United Nations A/65/134

General Assembly

Distr.: General
15 July 2010

Original: English

Sixty-fifth session
Item 131 of the provisional agenda*
Programme budget for the biennium 2010-2011

Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

Report of the Secretary-General

I. Introduction

1. The General Assembly, in section I, paragraph 8, of its resolution 63/259, decided that the emoluments, pensions and other conditions of service for the members of the International Court of Justice, and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda should next be reviewed at its sixty-fifth session. The Assembly stipulated that options for defined-benefit and defined-contribution pension schemes be included in the review and requested the Secretary-General to ensure that, in the review, the expertise available within the United Nations be taken full advantage of. The present document is the result of extensive consultations with the United Nations Joint Staff Pension Fund and the Office of Programme Planning, Budget and Account, as well as the Court and the Tribunals.

2. In order to facilitate consideration of the variety of issues to be reviewed, the report is presented as follows: section II is devoted to the remuneration of the members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda; section III focuses on the other conditions of service of the members of the Court and the judges and ad litem judges of the two Tribunals; and section IV contains an analysis, recommendations and financial implications in respect of remuneration and other conditions of service, including pensions, and the timing of the next comprehensive review.

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II. Remuneration

A. International Court of Justice

3. Article 32 of the Statute of the International Court of Justice provides, inter alia, that each member of the Court shall receive an annual salary (para. 1), and that the salaries and allowances shall be fixed by the General Assembly and may not be decreased during the term of office (para. 5).

4. The emoluments of the members of the Court are sui generis. However, on the occasion of the periodic comprehensive reviews of the emoluments and conditions of service of the members of the Court, information on the net remuneration of senior Secretariat officials, the Chairman of the Advisory Committee, the Chairman and Vice-Chairman of the International Civil Service Commission and the members of the Joint Inspection Unit, as well as the gross emoluments of the president and members of the highest courts in national judiciaries of a number of States and of international courts, has been provided as a reference point for purposes of comparative assessment. Annexes I and II to the present report illustrate the evolution of emoluments during the period from January 2005 to January 2010. Since April 2008, the salaries of the members of the Court are expressed as base salary and post adjustment. Annex I compares the movement of the total emoluments of the judges with changes in the remuneration of senior Secretariat officials and that of full-time members of subsidiary bodies of the United Nations. Annex II provides information, obtained with the assistance of the Court and permanent missions to the United Nations, on the movement in gross emoluments of the president and members of the highest courts in a number of national judiciaries. Annex II also provides information on the movement in emoluments of the President and members of the International Criminal Court in The Hague, as well as the emoluments of the President and members of the European Court of Human Rights in Strasbourg. To facilitate comparison, annex III contains a summary of the salaries of an Under-Secretary-General serving in The Hague, a judge of the Court and a judge of the International Criminal Court in euros and the equivalent in United States dollars at the official United Nations operational rate of exchange for the month concerned.

B. International Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda

5. By its resolution 827 (1993), the Security Council decided to establish the International Tribunal for the Former Yugoslavia and adopt its Statute. Article 13, paragraph 3, of the Statute provides that the terms and conditions of service shall be as they are for the judges of the International Court of Justice. By its resolution 955 (1994), the Security Council decided to establish the International Criminal Tribunal for Rwanda and adopt its Statute. Article 12, paragraph 5, of the Statute provides that the terms and conditions of service shall be the same as those of the judges of the International Tribunal for the Former Yugoslavia.

6. In a report to the General Assembly at its sixty-first session (A/61/554), the Secretary-General made proposals for revised salaries and revised pensions for the members of the International Court of Justice, and corresponding revisions to the

salaries and pensions of the judges of the Tribunals in the light of that which the Assembly might determine for the members of Court. The General Assembly, in paragraph 6 of its resolution 61/262, endorsed the proposals of the Secretary-General contained in paragraph 80 of the aforementioned report, whereby the annual salaries of the members of the International Court of Justice and the judges and ad litem judges of the two Tribunals would comprise an annual base salary with a corresponding post adjustment per index point equal to 1 per cent of the net base salary, to which would be applied a post adjustment multiplier, as appropriate, taking into account the proposals of the Secretary-General contained in paragraphs 83 and 84 of the report. In paragraph 7 of the same resolution, the Assembly decided to set, effective 1 January 2007, the annual net base salary of the members of the Court and the judges and ad litem judges of the Tribunals at US$ 133,500, with a corresponding post adjustment per index point equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for the Netherlands or for the United Republic of Tanzania, as appropriate. In paragraph 8 of the resolution, the General Assembly also decided to maintain, as a transitional measure, in line with the provisions of Article 32, paragraph 5, of the Statute of the Court, the level of annual salary approved in section III of its resolution 59/282 for the current members of the Court and the judges and ad litem judges of the two Tribunals for the duration of their current term of office or until the revised annual salary system came into effect. However, in paragraph 10 of resolution 61/262, the Assembly decided to maintain, as an interim measure, the retirement benefits of the members of the Court and the judges of the two Tribunals at the level resulting from the annual base salary decided in section III of its resolution 59/282. Further, the General Assembly requested the Secretary-General to report to it at its sixty-second session on options for designing pension schemes for the members of the Court and the judges of the two Tribunals, including defined-benefit and defined-contribution schemes, taking into account the possibility of calculating pensions on the basis of the number of years served rather than the term of office. Subsequently, the Assembly, in section I, paragraph 7, of resolution 63/259, noted that the Secretary-General had proposed essentially only one option and that, rather than seek the expertise available within the Organization, had relied on the services of a consultant. In section I, paragraph 8, of the same resolution, the Assembly decided that the emoluments, pensions and other conditions of service for the members of the Court and the judges of the Tribunals should next be reviewed at its sixty-fifth session, including options for defined-benefit and defined-contribution pension schemes, and in that regard, requested the Secretary-General to ensure that, in that review, the expertise available within the United Nations was taken full advantage of.

C. Ad hoc judges of the International Court of Justice

7. Under article 31 of the Statute of the International Court of Justice, persons chosen by parties to cases before the Court to "take part in the decision on terms of complete equality with their colleagues" (para. 6) are known as ad hoc judges. Under Article 32, paragraph 4, of the Statute, they "shall receive compensation for each day on which they exercise their functions". The historical background to the determination of the amount of that compensation was presented in the report of the Secretary-General to the General Assembly at its fortieth session (A/C.5/40/32, paras. 35-41).

8. On the occasion of the comprehensive review of the emoluments, pensions and other conditions of service for the members of the Court and the two Tribunals, the Secretary-General recalled that, for the purpose of payments to judges ad hoc, annual salary had been defined in paragraph 3 of General Assembly resolution 40/257 A as follows: judges ad hoc were to be compensated for each day they exercised their functions, one three-hundred-and-sixty-fifth of the sum of the annual base salary and interim cost-of-living supplement payable at the time to a member of the Court (see A/61/554, para. 84). Under this definition, the post adjustment system introduced in paragraph 7 of General Assembly resolution 61/262 also applies to judges ad hoc.

D. Ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

9. The Security Council, acting under Chapter VII of the Charter of the United Nations decided, by resolution 1329 (2000), to establish a pool of ad litem judges in the International Tribunal for the Former Yugoslavia.

10. The General Assembly was requested to consider the approval of the conditions of service for ad litem judges, as proposed by the Secretary-General (A/55/756, paras. 18-25). In paragraph 7 of its related report (A/55/806), the Advisory Committee on Administrative and Budgetary Questions drew attention to the fact that judges of the Court and the Tribunals were elected for a term of nine years and four years, respectively, and in both cases could stand for re-election, whereas the service of ad litem judges was of a much more temporary and intermittent nature. This essential difference was taken into account by the Advisory Committee in evaluating the necessity of a number of the entitlements and allowances proposed by the Secretary-General. The Advisory Committee agreed with the Secretary-General's proposal that the annual salary of the ad litem judges be prorated for length of service.

11. In its resolution 55/249, the General Assembly endorsed the observations and recommendations of the Advisory Committee on the emoluments for and other conditions of service of the ad litem judges of the International Tribunal for the Former Yugoslavia (see A/55/806, paras. 7-15).

12. In its resolution 1431 (2002), the Security Council decided to establish a pool of ad litem judges in the International Criminal Tribunal for Rwanda. In his report (A/57/587), the Secretary-General proposed to establish conditions of service applicable to the ad litem judges of the International Criminal Tribunal for Rwanda based on the provisions of General Assembly resolution 56/285, concerning the emoluments and other conditions of service of the members of the International Court of Justice, the judges of the two Tribunals and the ad litem judges of the International Tribunal for the Former Yugoslavia.

13. By resolution 57/289, the General Assembly endorsed the recommendation of the Advisory Committee (A/57/593, para. 23) that the conditions of service approved for the ad litem judges of the International Tribunal for the Former Yugoslavia be applied to the ad litem judges of the International Criminal Tribunal for Rwanda.

III. Other conditions of service

14. The other conditions of service of the members of the International Court of Justice include the special allowance of the President and of the Vice-President (when acting as President), the compensation of ad hoc judges, education allowance, health insurance, survivors' benefit, travel and subsistence regulations and retirement benefits.

15. The background of other conditions of service of the members of the Court is provided in the report of the Secretary-General submitted to the General Assembly at its forty-eighth session.[1]

16. In section VIII, paragraph 4, of its resolution 53/214, the General Assembly approved the recommendations of the Advisory Committee on, inter alia, the other conditions of service of the judges of the Tribunals. The background on other conditions of service of the judges of the Tribunals is provided in the report of the Secretary-General to the General Assembly at its fifty-second session (A/52/520, paras. 19-21). These other conditions of service include the special allowance of the President and of the Vice-President when acting as President, education allowance, health insurance, survivors' benefit, travel and subsistence regulations and retirement benefits.

A. Special allowance of the President and of the Vice-President when acting as President

International Court of Justice

17. Article 32 of the Statute of the Court provides that the President shall receive a special annual allowance (para. 2) and that the Vice-President shall receive a special allowance for each day on which he or she acts as President (para. 3). As is the case with remuneration, these allowances "shall be fixed by the General Assembly" and "may not be decreased during the term of office" (para. 5). In paragraph 3 of its resolution 31/204, the General Assembly provides that the allowances "shall be reviewed concurrently with the periodic review of their annual salary".

International Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda

18. The amounts of the special allowance for the Presidents of the Tribunals and the special allowance for the Vice-Presidents of the Tribunals when acting as President are the same as those established for the President and the Vice-President of the International Court of Justice.

B. Assistance with education costs

19. The background to the issue of assistance with education costs, as applied to the members of the Court, is provided in paragraphs 24 to 29 of document

[1] See A/C.5/48/66, sect. IV, on special allowances of the President and of the Vice-President when acting as President; sect. V, on compensation of ad hoc judges; and sect. VI, on costs of educating children.

A/C.5/48/66. As noted in that report, the General Assembly, in resolution 45/250, decided that any increase in the level of the education grant, including that for disabled children, applicable to staff in the Professional and higher categories decided upon by the General Assembly at its forty-fifth session should be extended to the members of the International Court of Justice.

20. Accordingly, any increase in the level of education grant (including that for disabled children) applicable to staff in the Professional and higher categories approved by the General Assembly is extended to the members of the Court and the judges of the Tribunals.

C. Health insurance

21. With regard to participation of the members of the International Court of Justice in the Organization's health plan and the Organization's contribution to the charges to sustain participation therein in a manner comparable to the health contributions made by the United Nations for other such officials, the Secretary-General, in his report to the General Assembly at its fifty-sixth session (A/C.5/56/14, para. 27), reiterated the view expressed previously that, while the Secretary-General and the two full-time members of the International Civil Service Commission and the Chairman of the Advisory Committee were participants in the Headquarters health plan, the Organization did not contribute to the cost of participation. The Secretary-General also stated in the same report that members of the Court had the option of joining the relevant health insurance plan of the United Nations system upon payment of the full cost of the premium. Furthermore, they also retained the option of joining the relevant after-service health plan, whether they chose to retire in the United States of America or elsewhere, equally upon payment of the full cost of the premium.

22. With regard to the participation of members of the Court in health insurance plans of the United Nations system, the Advisory Committee, in paragraph 8 of its report (A/56/7/Add.2), reiterated its view that the members of the Court should cover the total cost of their participation in the health insurance plans and that the Organization should not have to contribute at all to the cost of their participation.

23. The Secretary-General reiterates that the Organization has made provisions for the judges of the Tribunals, upon their appointment, to participate in an appropriate United Nations medical insurance plan in accordance with the relevant administrative rules and procedures, at full premium. As such, the liability for the medical premium rests with the judge electing to participate in the United Nations medical insurance plan.

D. Survivors' benefit

24. Concerning the establishment of a survivors' lump-sum benefit in the event of the death of serving members of the International Court of Justice, the General Assembly, in its resolution 40/257 C, approved the recommendation of the Advisory Committee to establish, in addition to the existing pension scheme, a death-benefit scheme for the members of the Court. Under the provisions adopted by the General Assembly, survivors of members who die while in office are compensated in the form of a lump-sum payment equivalent to one month of salary for each year of

service, subject to a minimum of three months and a maximum of nine months of salary. This lump-sum benefit is distinct from the applicable survivors' pension benefits.

25. Concerning the establishment of a survivors' lump-sum benefit in the event of the death of serving judges of the Tribunals, based on its consideration of the note by the Secretary-General (A/C.5/54/30), the General Assembly, in paragraph 7 of its resolution 54/240 A, approved the recommendations of the Advisory Committee and established a lump-sum benefit whereby survivors would be compensated in the form of a lump-sum equivalent to one month of base salary for each year of service, subject to a minimum of one month and a maximum of four months.

E. Travel and subsistence regulations

26. In its resolution 37/240, the General Assembly approved the travel and subsistence regulations of the International Court of Justice. In section VIII, paragraph 5, of its resolution 53/214, the General Assembly also approved the travel and subsistence regulations of the judges of the Tribunals (A/52/520, annex III).

27. In 2001, the Secretary-General pointed out that, as a result of the action taken by the General Assembly in section I.E of its resolution 44/198, the entitlement under installation grant was discontinued and replaced by the introduction of the assignment grant, effective as from 1 July 1990 (A/C.5/56/14, para. 97). In the light of a number of questions of interpretation concerning the entitlement to installation grant provisions, especially as they apply to the judges of the International Criminal Tribunal for Rwanda, the Secretary-General proposed, and the Advisory Committee recommended, that the language contained under the travel and subsistence regulations applicable to the members of the Court and the Tribunals, respectively, be updated and that the reference to "installation grant" be revised to make reference to the "assignment grant" provisions applicable to senior officials of the Secretariat of the United Nations. The recommendation was endorsed by the General Assembly in resolution 56/285.

28. By decision 62/547, the General Assembly, on the recommendation of the Fifth Committee (A/62/563/Add.3), and having considered the report of the Secretary-General (A/62/538 and Add.1-2) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.36, para. 8), endorsed the recommendation that no changes be made in the provisions of articles 1 and 2 of the travel and subsistence regulations of the International Court of Justice at that time.

F. Relocation allowance

29. In paragraph 2 of its resolution 40/257 C, the General Assembly decided that, with effect from 1 January 1986, the President and members of the International Court of Justice who had taken up and maintained a bona fide primary residence at The Hague for at least five continuous years during service with the Court should be eligible to receive a lump-sum equivalent to 18 weeks of annual net base salary upon completion of their appointment and resettlement outside the Netherlands. Similarly, those members of the Court who had taken up and maintained a bona fide primary residence at The Hague for nine consecutive years or more during service

with the Court should receive the equivalent of 24 weeks of annual net base salary upon completion of service and relocation outside the Netherlands.

30. In section III, paragraph 6, of its resolution 59/282 of 2 June 2005, the General Assembly decided that, in addition to the provisions of paragraph 2 of resolution 40/257 C, with retroactive effect from 1 January 2005, those members of the Court who had taken up and maintained a bona fide primary residence at The Hague for less than five continuous years during their service with the Court should also be eligible, upon the completion of their appointment and resettlement outside the Netherlands, to receive a lump sum prorated on the basis of the ceiling of 18 weeks of annual net base salary payable to members of the Court who had served for five continuous years. It also decided that those members of the Court who had similarly taken up and maintained a bona fide primary residence at The Hague for more than five but less than nine continuous years should be eligible upon the completion of their appointment and resettlement outside the Netherlands for a lump sum prorated on the basis of the ceiling of 24 weeks of annual net base salary payable to members of the Court who had served for nine continuous years or more.

G. Issues related to the hardship classification of the duty station

31. On the occasion of the periodic review undertaken in 2001, the President of the International Criminal Tribunal for Rwanda recalled that the Statute of the Tribunal provided, in article 12, paragraph 5, that the terms and conditions of service for its judges should be those of the judges of the International Tribunal for the Former Yugoslavia. This is a general principle that does not exclude that there is a difference between the duty stations of the judges of the two Tribunals.

32. She further specified that, unlike their colleagues in the International Tribunal for the Former Yugoslavia, the judges of the International Criminal Tribunal for Rwanda were working in Arusha, which had been officially recognized as a category C hardship duty station, for which the home leave entitlement for staff of the Tribunal was once every 12 months. Consequently, it seemed logical since the cycle of home leave normally reflected the hardship factor at the duty station that the hardship factor be made applicable to the judges' home leave.

33. The Advisory Committee indicated that it had no objection to the proposed change in the home leave travel of the judges of the International Criminal Tribunal for Rwanda to take into account the hardship classification of the duty station (A/56/7/Add.2, para. 9). In its resolution 56/285, the General Assembly concurred with the recommendation of the Advisory Committee.

H. Retirement benefits

34. The members of the International Court of Justice are entitled to retirement pensions in accordance with Article 32, paragraph 7, of the Statute of the Court, the specific conditions of which are governed by regulations adopted by the General Assembly.

35. A review of the pension benefits and the corollary aspects of the pension scheme was presented in reports of the Secretary-General[2] considered by the General Assembly at its forty-eighth to fiftieth, fifty-third, fifth-sixth, fifty-seventh, fifty-ninth and sixty-first to sixty-third sessions.

36. In the 2001 review of the conditions of service, the Registrar of the International Court of Justice provided the Secretariat with a table listing pensions in payment and observed that pensions were disproportionate for retired members of the Court and/or surviving spouses. In order to rectify that inequity and to have all former members of the Court treated equally, the Court opined that pensions in payment should ideally be aligned with pensions under the present regime. However, the Advisory Committee in its 1998 report (A/53/7/Add.6) considered that such an alignment would not be advisable because it would entail considerable expense for the United Nations. In view of that, the Court did not ask for alignment of pension stricto sensu. However, concerned as it was by the level of pension payments to former members, the Court suggested that steps could be taken to remedy the disparity in payments by an increase, to the extent possible, in pension payments to its former members.

37. In this regard, it was the view of the Secretary-General that, as the General Assembly was the sole authority to determine the conditions of service and pension benefits of the Court, the issue of pension payments should be brought to the attention of the General Assembly for its consideration. In its report (A/56/7/Add.2, para. 10), the Advisory Committee pointed out that a pension entitlement was established at the time of retirement and the conditions of service in effect at that time. Moreover, it recalled that it had recommended, and the General Assembly had approved, a recommendation that pensions in payment be automatically revised by the same percentage and at the same date as salary adjustments; the Committee was of the view that the recommendation continued to provide the necessary protection for pensions in payment against an increase in the cost of living.

38. In his report (A/C.5/59/2 and Corr.1, paras. 94-95), the Secretary-General, following his recommendation that emoluments of the members of the Court and the judges of the Tribunals be increased from US$ 160,000 to US$ 177,000, stated that, based on the decision of the General Assembly contained in section VIII of its resolution 53/214 to set the retirement pension for the members of the Court at one half of the annual salary, the annual retirement benefit of a member of the Court retiring in 2005 would increase from US$ 80,000 per annum to US$ 88,500 with effect from 1 January 2005 and that, based on the proposed increase in the base salary of the members of the Court, it was recommended that pensions in payment be increased by 10.6 per cent, effective 1 January 2005. The Secretary-General was also of the view that, as the Court was concerned by the effect of the devaluation of the United States dollar vis-à-vis the euro on the level of pension payments to former members, steps could be taken to remedy the disparity in payments by an increase, to the extent possible, in pension payments to former members. It was the view of the Secretary-General that consideration should be given to applying the floor/ceiling mechanism to pensions in payment to former judges and their survivors

[2] See A/C.5/48/66, sect. VI; A/C.5/49/8, sect. III; A/C.5/50/18, sect. IV; A/C.5/53/11, sects. IV and V; A/C.5/56/14; A/C.5/57/36; A/C.5/59/2 and Corr.1, paras. 94-95; A/61/554; and A/62/538/Add.2 and Corr.1 (F only).

who resided in the euro zone countries to protect the level of pensions from further erosion.

39. In reviewing the report of the Secretary-General, the Advisory Committee noted that the annual retirement benefit of a member of the Court retiring in 2005 would increase from US$ 80,000 to US$ 88,500 per annum, effective 1 January 2005 (A/59/557, para. 8).

40. In section III of its resolution 59/282, the General Assembly decided, with retroactive effect from 1 January 2005, to increase the annual value of all pensions in payment by 6.3 per cent as an interim measure and requested the Secretary-General to submit a comprehensive report to the General Assembly at its sixty-first session on the protection of pensions in payment to former judges and their survivors as well as on the differences between the pension benefits of the judges of the two Tribunals on the one hand and the members of the Court on the other. That report was to include proposals for a mechanism of remuneration based on market exchange rates and local retail price fluctuations that limits the divergence of such remuneration from that of comparable positions of seniority within the United Nations system.

41. In paragraph 29 of its report (A/53/7/Add.6), the Advisory Committee recommended that the pension benefits for the judges of the two Tribunals be based on those applicable to the members of Court, prorated to account for the difference in length in the terms of appointment, that is to say, nine years for the members of the Court versus four years for the judges of both Tribunals.

42. In section VIII, paragraph 4, of its resolution 53/214, the General Assembly approved the recommendations of the Advisory Committee on the emoluments, pensions and other conditions of service of the judges of the Tribunals. In paragraph 6 of the resolution, the Assembly approved the pension scheme regulations for the judges of both Tribunals contained in annexes IV and V, respectively, to the report of the Secretary-General (A/52/520), with consequential modifications resulting from the decisions taken by the General Assembly in the same resolution.

43. In a report to the General Assembly at its fifty-seventh session (A/C.5/57/36), the Secretary-General drew the attention of the General Assembly to the fact that, under the Pension Scheme Regulations applicable to the members of the Court and the judges of the two Tribunals, there was no provision that would bar payment of a retirement pension to judges who had previously served in any one of those organs while serving as judges in another of those organs. On the recommendation of the Advisory Committee, the General Assembly, in its resolution 58/264, decided to amend article 1 of the Pension Scheme Regulations to specify that no retirement pension would be payable to a former member of the Court who had been elected or appointed a permanent judge of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda or who had been appointed to serve in either Tribunal as an ad litem judge until he or she ceased to hold office or appointment, and accordingly decided to amend article 1 of the Pension Scheme Regulations relating to the judges of each Tribunal.

44. In compliance with the request of the General Assembly contained in paragraph 11 of its resolution 61/262, the Secretary-General commissioned a study on options for designing pension schemes, including defined-benefit and defined-contribution schemes, taking into account the possibility of calculating pensions on

the basis of the number of years served rather than the term of office to a consulting firm, and presented a report to the General Assembly at its sixty-second session (A/62/538/Add.2).

45. The Advisory Committee on Administrative and Budgetary Questions, having reviewed the report, made a series of recommendations (see A/63/570). It endorsed the proposals of the Secretary-General, in particular the proposal that the level of pension be determined by reference to years of service rather than a term of office. However, it did not endorse the Secretary-General's proposals that the retirement benefits of the members of the Court be increased from 50 per cent to 55 per cent of the annual net base salary (excluding post adjustment) by reference to nine years of service, and that members of the Court who are re-elected receive one three-hundredth of his or her retirement benefit for each further month of service, up to a maximum pension of three fourths (rather than two thirds) of annual net base salary (excluding post adjustment).

46. Having reviewed the reports of the Secretary-General and the Advisory Committee, the General Assembly, in section I of its resolution 63/259, endorsed the conclusions and recommendations of the latter. The Assembly recalled paragraph 11 of its resolution 61/262, in which it had requested the Secretary-General to report on options for designing pension schemes, and noted that the Secretary-General had proposed essentially only one option and that, rather than seek the expertise available within the Organization, he had relied on the services of a consultant. The Assembly decided that the emoluments, pensions and other conditions of service for the members of the Court and the judges of the two Tribunals should next be reviewed at its sixty-fifth session, including options for defined-benefit and defined-contribution pension schemes. In this regard, the Assembly requested the Secretary-General to ensure that, in that review, the expertise available within the United Nations be taken full advantage of.

I. Ad litem judges

47. The Security Council, acting under Chapter VII of the Charter of the United Nations, decided, by resolution 1329 (2000), to establish a pool of ad litem judges in the International Tribunal for the Former Yugoslavia and to amend the Statute of the Tribunal accordingly.

48. Paragraphs 1 (e) and 2 of article 13 ter of the Statute of the International Tribunal for the Former Yugoslavia provide that ad litem judges shall be elected for a term of four years and shall be eligible for re-election, and that during their term, they will be appointed by the Secretary-General, upon request of the President of the Tribunal, to serve in the Trial Chambers for one or more trials for a cumulative period of up to, but not including, three years. Paragraph 1 (a) of article 13 quater of the Statute specifies that, during the period in which they are appointed to serve in the Tribunal, ad litem judges shall benefit from the same terms and conditions of service, mutatis mutandis, as the permanent judges of the Tribunal. Ad litem judges would therefore be entitled to receive benefits only after they had been appointed to serve on one or more trials and, if so appointed, they would be so entitled only for as long as and in respect of the period that they are so appointed.

49. In response to General Assembly resolution 55/225 A, the Secretary-General submitted a report (A/55/756) on the conditions of service of the ad litem judges of

the International Tribunal for the Former Yugoslavia. His recommendations, contained in paragraphs 18 to 25 of the report, related to emoluments, travel and subsistence benefits, education allowance, survivors' lump-sum benefit, general conditions and medical insurance.

50. The Secretary-General also recommended that ad litem judges not be entitled to pension benefits. He further specified that a judge who had retired from the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda or the International Court of Justice and was the recipient of a pension therefrom, would not continue to receive that pension during the time he or she served as an ad litem judge. Any period of service as an ad litem judge would not be counted towards or added to the years of qualifying service that a judge might have with the two Tribunals or the Court for pension purposes.

51. Concerning the establishment of disability benefits for ad litem judges, the Organization recognized that there was a need to take care of the disability payment in respect of a service period. It was therefore proposed that, should an ad litem judge be found unable to perform his or her duties because of ill health or disability, he or she would be entitled to receive payment of his or her salary for the service period. There would be no liability beyond that period.

52. By virtue of the limitation on their length of appointment, and taking into account the conditions applied to the permanent judges, ad litem judges would not be eligible for payment of relocation allowance.

53. In its report (A/55/806, para. 7), the Advisory Committee drew attention to the fact that while judges of the International Court of Justice were elected for a term of nine years and might be re-elected and judges of the Tribunals were elected for a term of four years and might be re-elected, the service of the ad litem judges was of a much more temporary nature and could be intermittent. That essential difference was taken into account by the Advisory Committee in evaluating the necessity of a number of the entitlements and allowances proposed in the report of the Secretary-General.

54. Accordingly, the Advisory Committee agreed with the proposals of the Secretary-General concerning the level of annual salary, prorated for length of service and with application of the floor-ceiling measures, the extension of the application of the travel and subsistence regulations in effect for the judges of the Tribunals to the ad litem judges, and the provision of disability benefits limited to injury or illness attributable to service with the Tribunal.

55. The observations and recommendations of the Advisory Committee on the emoluments, travel and subsistence regulations and disability payments for the ad litem judges of the International Tribunal for the Former Yugoslavia (A/55/806, paras. 7-15) were endorsed by the General Assembly in its resolution 55/249.

56. By its resolution 1431 (2002), the Security Council decided to establish a pool of ad litem judges in the International Criminal Tribunal for Rwanda. In his report (A/57/587), the Secretary-General proposed to establish conditions of service applicable to the ad litem judges of the Tribunal on the basis of the provisions of General Assembly resolution 56/285, concerning the emoluments and other conditions of service of the members of the Court, the judges of the two Tribunals and the ad litem judges of the International Tribunal for the Former Yugoslavia.

57. In its resolution 57/289, the General Assembly endorsed the recommendations of the Advisory Committee on the conditions of service for the ad litem judges of the International Criminal Tribunal for Rwanda (A/57/593, para. 23).

58. In section II of its resolution 64/239, the General Assembly, in the context of its review of the financing of the International Criminal Tribunal for Rwanda, noted that the Secretary-General was conducting a review of conditions of service of ad litem judges at the Tribunal and anticipated addressing the review at the first part of its resumed sixty-fourth session.

59. By resolution 64/261, the General Assembly decided that the matter of the difference in pension rights between ad litem judges and permanent judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia should be resolved as a priority of the General Assembly at the main part of its sixty-fifth session, and requested the Secretary-General to include a comprehensive actuarial study of the cost of extending pensions to the ad litem judges of the two Tribunals in his report requested pursuant to section I, paragraph 8, of its resolution 63/259.

IV. Review and recommendations

A. Remuneration

60. The General Assembly has conducted periodic reviews of the emoluments of the members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, with the most recent comprehensive review undertaken at its sixty-first session in accordance with its resolution 59/282.

61. The General Assembly, in paragraph 6 of its resolution 61/262, endorsed the proposal of the Secretary-General (A/61/554, para. 80), whereby the annual salaries of the members of the Court and the judges and ad litem judges of the two Tribunals would comprise an annual base salary with a corresponding post adjustment per index point equal to 1 per cent of the net base salary, to which would be applied a post adjustment multiplier, as appropriate. In paragraph 7 of the same resolution, the Assembly decided to set, effective 1 January 2007, the annual net base salary of the members of the Court and the judges and ad litem judges of the Tribunals at US$ 133,500, with a corresponding post adjustment per index point equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for the Netherlands or for the United Republic of Tanzania, as appropriate.

62. The Secretary-General had also proposed that on the occasion of future revisions to the base salary scale applicable to staff in the Professional and higher categories that are effected through the consolidation of post adjustment multiplier points into the base scale with a corresponding readjustment in the post adjustment multipliers, the annual base salary of the members of the Court and the judges and ad litem judges of the Tribunals, also be adjusted by the same percentage and at the same time (A/61/554, para. 83).

63. In paragraph 8 of its resolution 61/262, the General Assembly decided to maintain, as a transitional measure, in line with the provisions of Article 32, paragraph 5, of the Statute of the Court, the level of annual salary approved in

section III of its resolution 59/282 for the current members of the Court and the judges and ad litem judges of the two Tribunals for the duration of their current term of office or until such time as this amount was overtaken by the application of the revised annual salary system.

64. By decision 62/547, the General Assembly, having considered the report of the Secretary-General (A/62/538 and Add.1-2), and the related report of the Advisory Committee (A/62/7/Add.36), decided to set, effective 1 April 2008, the annual net base salary of the members of the Court and the judges and ad litem judges of the two Tribunals at US$ 158,000, with the corresponding post adjustment per multiplier point equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for the Netherlands or the United Republic of Tanzania, as appropriate, taking into account the adjustment mechanism as proposed by the Secretary-General in paragraph 77 of his report (A/62/538).

65. As a result of the action taken by the General Assembly in its resolutions 63/251 and 64/231 vis-à-vis a revised scale of gross and net salaries for staff in the Professional and higher categories, the annual base salary applicable to the judges of the Court and the two Tribunals was revised from US$ 158,000 to US$ 161,681, effective 1 January 2009, and from US$ 161,681 to US$ 166,596, effective 1 January 2010.

66. For comparison purposes, table 1 sets out the salaries, including post adjustment, of the members of the Court and the judges of the two Tribunals serving in The Hague in euros, and their equivalent in United States dollars at the official United Nations operational rate of exchange for the month concerned, as well as the salaries of the judges of the International Criminal Tribunal for Rwanda serving in Arusha, expressed in United States dollars.

Table 1

Salaries of the members of the International Court of Justice and judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda[a] serving in The Hague and salaries of judges of the International Criminal Tribunal for Rwanda serving in Arusha for the period from January 2008 to June 2010

Month and year	*Judges serving in The Hague (Euros)*	*Judges serving in The Hague (United States dollars)*	*Judges serving in Arusha (United States dollars)*
January 2008	14 559	21 223	18 829
February 2008	14 559	21 537	18 829
March 2008	14 559	22 025	18 658
April 2008	14 558	22 963	18 658
May 2008	14 573	22 699	18 658
June 2008	14 579	22 673	18 658
July 2008	14 562	22 897	19 171
August 2008	14 635	21 778	19 171
September 2008	15 551	21 659	19 171
October 2008	15 602	21 027	19 171

Month and year	*Judges serving in The Hague (Euros)*	*Judges serving in The Hague (United States dollars)*	*Judges serving in Arusha (United States dollars)*
November 2008	15 664	20 264	18 829
December 2008	15 664	20 290	18 829
Total, 2008	**179 064**	**261 034**	**226 630**
January 2009	16 635	20 682	18 822
February 2009	15 647	20 533	18 822
March 2009	15 688	20 062	18 674
April 2009	15 636	20 601	18 674
May 2009	15 587	21 207	18 674
June 2009	15 553	21 692	18 674
July 2009	15 538	21 854	18 781
August 2009	15 541	21 827	18 781
September 2009	15 507	22 312	18 781
October 2009	15 490	22 514	18 781
November 2009	15 465	22 878	19 024
December 2009	15 432	23 242	19 590
Total, 2009	**186 720**	**259 404**	**226 077**
January 2010	15 499	22 233	19 589
February 2010	15 543	21 769	19 589
March 2010	15 596	21 047	19 797
April 2010	15 607	21 005	19 797
May 2010	15 708	19 908	19 797
June 2010	15 770	19 256	19 797

[a] Two judges of the International Criminal Tribunal for Rwanda members of the Appeals Chamber are currently serving in The Hague.

67. The Secretary-General proposes that no change be effected in the current remuneration system of members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda on the occasion of the present periodic review.

B. Other conditions of service

Special allowance of the President and of the Vice-President when acting as President

68. Prior to 1980, the President's special allowance had historically been set at 24 per cent of salary. Similarly, the special daily allowance of the Vice-President when acting as President had been set at a ceiling amount equivalent to 62.5 per cent of the President's allowance for 100 days as Acting President. On the occasion of the 1980 periodic review, no increase in the allowance was proposed, although the

annual base salary rose by 40 per cent (from US$ 50,000 to US$ 70,000). The President's allowance remained at 24 per cent of US$ 50,000, that is, US$ 12,000. In 1983, the Secretary-General suggested that the 24 per cent relationship between the special allowance of the President and the annual base salary should be restored (A/C.5/38/27), thereby raising the allowance from US$ 12,000 to US$ 16,000 as of 1 January 1985. It was also proposed that the allowance of the Vice-President be increased by a corresponding amount, from US$ 76 to US$ 104 per day. The Advisory Committee on Administrative and Budgetary Questions did not support the proposal of the Secretary-General. It was of the view that a fixed ratio between the special allowances and the annual base salary should not be applied and, in 1985, the allowance was set at a flat amount of US$ 15,000. From 1981 to 1985, the allowance represented 17.4 per cent of the annual base salary and 14.6 per cent of the adjusted emoluments, including the cost-of-living supplement (base salary of US$ 70,000 + cost-of-living supplement of US$ 12,000 = US$ 82,000).

69. In the context of the 2001 review of conditions of service, the Secretary-General recalled that the General Assembly had decided in its resolution 50/216 that the President's special allowance should remain at US$ 15,000 a year and that the special daily allowance paid to the Vice-President when acting as President should remain at US$ 94 per day, subject to a maximum of US$ 9,400 per year (A/C.5/56/14, para. 18). The Secretary-General informed the General Assembly that the Court had made representations that, although its workload had increased dramatically, both special allowances had remained unchanged since 1985 and that the Registry of the Court had recommended that the President's allowance be increased, with a similar percentage increase in the allowance of the Vice-President when acting as President (A/C.5/56/14, paras. 19 and 20). The Secretary-General suggested that consideration be given to increasing the special allowance of the President from US$ 15,000 to US$ 20,000, which would apply to the President of the Court as well as to the Presidents of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and that a commensurate increase also be given to the special allowance paid to the Vice-President of the Court and of each of the Tribunals when acting as President, resulting in an increase from US$ 94 to US$ 125 per day, subject to a maximum of US$ 12,500 per year (A/C.5/56/14, para. 91). The Advisory Committee recommended against this proposal (A/56/7/Add.2, para. 5). That recommendation was endorsed by the General Assembly in its resolution 56/285.[3]

70. In the context of the 2006 review of conditions of service, the General Assembly, in resolution 61/262, endorsed the conclusions and recommendations of the Advisory Committee (A/61/612 and Corr.1), and as a result rejected the proposal of the Court for an increase in the President's allowance from US$ 15,000 to US$ 20,000 and in the Vice-President's allowance from US$ 94 per day to US$ 125 per day, subject to a maximum of US$ 12,500 per year (see A/61/554, para. 86), and no further action has been taken on the subject.

71. Throughout previous reviews of conditions of service, the International Court of Justice has maintained that the special allowance of the President pertains to salary, as suggested by the text and context of Article 32, paragraph 2, of the Statute

[3] The background of the special allowance was restated in the report on the conditions of service submitted by the Secretary-General to the General Assembly at its fifty-ninth session (A/C.5/59/2) but no specific recommendation was made.

of the Court. Unlike the situation in other bodies, where the President or Chairman is of a higher rank than the other members and therefore has a higher salary, the salary of the President of the Court is equal to that of its other members. As a consequence, it is only through the special allowance that the President (or the Vice-President when acting as President) is compensated for the additional duties and responsibilities which he or she has compared with the other members of the Court.

72. In the past, the President's allowance has never remained at the same level for such an extended period (more than 25 years), despite the trend in the cost of living. Moreover, it must be emphasized that the workload of the Court, and notably that of the President, has increased not only in volume but also in complexity since 1986 (when the special allowance of the President was fixed at its current level of US$ 15,000). The Court has highlighted this increase in workload and responsibility on many occasions during previous reviews of the conditions of service of members of the Court, most recently during the review carried out by the General Assembly at its sixty-first session. The Court is therefore proposing an increase in the President's allowance from US$ 15,000 to US$ 25,000 and in the Vice-President's allowance from US$ 94 per day to US$ 156 per day, subject to a maximum of US$ 15,600 per year. The increased amount of US$ 25,000 would represent an average of 15 per cent of the annual base salary (28 per cent in 1946, 24 per cent between 1950 and 1980, and 9 per cent at present).

73. Accordingly, the General Assembly may wish to consider increasing the special allowance of the Presidents and of the Vice-Presidents, when acting as President, of the Court and the Tribunals, to US$ 25,000 and US$ 156 per day, respectively.

Education costs

International Court of Justice and Tribunals

74. The International Civil Service Commission reviewed the education grant in 2006.[4] The Secretary-General recommended that any decision taken by the General Assembly at its sixty-first session to update the level of the education grant or changes in the provisions regarding disabled children be extended to the members of the Court and the judges of the Tribunals (A/61/554, para. 87).

75. The General Assembly, in paragraph 12 of its resolution 61/262, decided to extend its decision on the level of education grant to the members of the Court and the judges of the two Tribunals.

76. The next review of the costs of educating children of the members of the Court and the judges of the Tribunals will be conducted at the time of the next comprehensive review of the conditions of service.

Ad litem judges

77. In its resolution 56/285, the General Assembly endorsed the recommendation of the Advisory Committee on Administrative and Budgetary Questions (A/56/7/Add.2, para. 12) that, by virtue of the limitation of their length of appointment, ad litem judges would not be eligible for payment of education

[4] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 30* (A/61/30), chap. III, sect. B.

allowance, given the uncertainty as to the length of their appointment and taking into account the probability of breaks in service.

78. In its resolution 64/261, the General Assembly affirmed that the ad litem judges of the two Tribunals benefited from the same terms and conditions of service, mutatis mutandis, as those of the permanent judges of the Tribunals and recognized the decisions of the Security Council to extend the terms of office of the ad litem judges beyond a cumulative period of service of three years, in the greater interest of successful implementation of the completion strategies of both Tribunals.

79. In view of the above, the General Assembly may wish to extend the education allowance entitlement to the eligible ad litem judges who have served for a continuous period of more than three years.

Travel and subsistence regulations

80. The travel and subsistence regulations for members of the International Court of Justice were reviewed by the General Assembly at its sixty-second session. In section XV, paragraph 5, of its resolution 62/238, the General Assembly requested the Secretary-General to report on the feasibility of harmonizing standards of travel for staff members, members of organs and subsidiary organs of the United Nations and organizations of the United Nations system, on the basis of a review and proposals by the United Nations System Chief Executives Board for Coordination. After reviewing the reports of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.36), the General Assembly, by decision 62/547, endorsed its conclusion that no changes should be made to articles 1 and 2, or to article 3, paragraph 1 (a) (ii), of the travel and subsistence regulations of the Court.

81. The Secretary-General proposes that no change be effected in the travel and subsistence regulations in respect of members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda on the occasion of the present periodic review.

Relocation allowance

International Court of Justice

82. In accordance with section III, paragraph 6, of General Assembly resolution 59/282, members of the International Court of Justice are no longer required to complete five years of service in order to be entitled to receipt of a relocation allowance. Furthermore, members of the Court who have completed more than five but less than nine years of service are entitled to a prorated relocation allowance up to a maximum of 24 weeks of annual net base salary payable for nine years of continuous service.

Tribunals

83. The Secretary-General, in defining the conditions of service of judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (see A/52/520), made a distinction between the members of the International Court of Justice and the judges of the Tribunals in respect of certain benefits. With regard to relocation allowance upon completion of service, a member of the Tribunal who had maintained a bona fide residence at The Hague or at Arusha

for at least three continuous years during service with the Tribunals could receive a lump sum equal to 12 weeks' net salary on completion of appointment and resettlement outside the Netherlands or the United Republic of Tanzania.

84. Article 13, paragraph 3, of the Statute of the International Tribunal for the Former Yugoslavia provides that the terms and conditions of service shall be those of the judges of the International Court of Justice. Article 12, paragraph 5, of the Statute of the International Criminal Tribunal for Rwanda provides that the terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. Taking into consideration that the General Assembly, in section III of its resolution 59/282, changed the conditions of service of the judges of the Court by effectively removing the difference in their respective length of service as the basis for the difference in their entitlements, the General Assembly may wish to consider reviewing the conditions under which the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are eligible for the relocation allowance with a view to aligning them to those of the judges of the Court.

Ad litem judges

85. Article 13 quater (1) (a) of the Statute of the International Tribunal for the Former Yugoslavia provides that during the period in which they are appointed to serve on the Tribunal, ad litem judges shall benefit from the same terms and conditions of service, mutatis mutandis, as the permanent judges of the Tribunal. According to article 12 quater (1) (a) of the Statute of the International Criminal Tribunal for Rwanda, the ad litem judges shall benefit from the same terms and conditions of service, mutatis mutandis, as the permanent judges of the Tribunal. Certain differences, following this principle of mutatis mutandis application, were based on the initial arrangements foreseen for ad litem judges to join the Tribunals for one or more trials for a cumulative period of up to, but not including, three years.

86. In its resolution 64/261, the General Assembly, affirmed that the ad litem judges of the two Tribunals benefited from the same terms and conditions of service, mutatis mutandis, as those of the permanent judges of the Tribunals, pursuant to the statutes of the Tribunals, and recognized the decisions of the Security Council to extend the terms of office of the ad litem judges beyond a cumulative period of service of three years, in the greater interest of successful implementation of the completion strategies of both Tribunals.

87. In view of the above, the General Assembly may wish to consider extending the relocation allowance to qualifying ad litem judges of the International Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda, under the same conditions as those of the judges of the Tribunals (see para. 84 above).

Retirement benefits

International Court of Justice and Tribunals

88. In compliance with paragraph 8 of General Assembly resolution 63/259, the Secretary-General engaged the expertise of the United Nations Joint Staff Pension Fund. The Fund, noting the importance and scope of the review, considered that there was not enough time to complete such a project and do full justification to the

range and depth of work required in time to prepare a report for consideration by the General Assembly at its sixty-fifth session. The Fund also noted that it lacked the manpower and resources to undertake such a study on its own, and suggested the establishment of a working group, members of which would include representatives from the Office of Human Resources Management, the International Civil Service Commission, the Court, the Tribunals and the United Nations Joint Staff Pension Fund. The working group could complete a thorough review of retirement plan alternatives, with the Fund acting as the coordinator/project manager.

89. The above-mentioned review would be completed in three stages: (a) working with an outside actuarial consultant, the group would review the benefits provided to judges in comparable positions throughout the world. The working group would then develop alternative retirement income goals and maximum cost thresholds for the considered judicial group that would be used to develop alternative plan designs; (b) working with the consultant, plan design alternatives would be developed which would meet both the income replacement and cost goals established in the first phase of the study; and (c) a report would be prepared for the Office of Human Resources Management, summarizing findings and conclusions of the working group.

90. The Secretary-General expects that the review would be completed in time for the sixty-sixth session of the General Assembly. It is not expected that the proposed changes, where approved, would impact upon the pensions of the serving or retired judges. The serving and retired judges would, it is expected, remain unaffected, with their entitlements continuing on the basis of the existing conditions of service. In view of the above, the Secretary-General proposes that the review of the pension schemes for the members of the International Court of Justice and the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda be postponed until the sixty-sixth session of the General Assembly.

Ad hoc judges

91. The Secretary-General proposes that no change be effected in the arrangements for ad hoc judges on the occasion of the present periodic review.

Ad litem judges

92. On the occasion of the recent review of conditions of service of the ad litem judges of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, the Presidents of the Tribunals, by means of letters and discussions, requested the Secretary-General to bring the differences in conditions of service between the permanent judges and the ad litem judges of the Tribunals to the urgent attention of the General Assembly for appropriate action or decision.

93. It will be recalled that when the Security Council established the pool of ad litem judges in order to enable the Tribunals to expedite the conclusion of their work, it was understood that ad litem judges would serve for a limited period of time. This understanding is expressed in article 12 ter, paragraph 2, of the Statute of the International Criminal Tribunal for Rwanda and article 13 ter, paragraph 2, of the Statute of the International Tribunal for the Former Yugoslavia, which provide that ad litem judges will be appointed to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years. The limitation

on the cumulative service meant that ad litem judges would not be entitled to a pension since, according to article 1 (a) of annex III to Assembly resolution 58/264 of 23 December 2003, judges of the Tribunal are entitled to a pension after having completed at least three years of service.

94. As can be seen from table 2, when their respective cases will have been completed the majority of ad litem judges of both Tribunals will have served for more than three years. The President of the International Criminal Tribunal for Rwanda pointed out that this was the consequence of a policy of giving priority to the continuity in service of the ad litem judges in order to achieve the goals of the completion strategy of the Tribunals.

95. Furthermore, the Security Council has in various resolutions, such as 1705 (2006), 1717 (2006), 1877 (2009) and 1878 (2009), recognized the need for and allowed ad litem judges to serve beyond the cumulative period of service, in the greater interest of expediting the completion of the work of the Tribunals. The President of the International Criminal Tribunal for Rwanda has noted that the workload of the ad litem judges is identical to that of the permanent judges and that their responsibilities are nearly identical to those of the permanent judges. Therefore, the continuing differences in the terms and conditions of service between the permanent judges and the ad litem judges would no longer be justified and should be addressed in the interest of both equity and the successful implementation of the completion strategies of the Tribunals. In this regard, it is recalled that the Security Council, in its resolution 1878 (2009), noted the concerns that were expressed about the terms and conditions of service of the ad litem judges. The Council was, however, unable to act because the matter falls within the purview of the General Assembly.

96. In its resolution 64/261, the General Assembly endorsed the conclusions and recommendations of the Advisory Committee (see A/64/7/Add.20) and decided that the matter of the difference in pension rights between ad litem judges and permanent judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia should be resolved as a priority of the General Assembly at the main part of its sixty-fifth session, and that all decisions to be taken in that respect should apply to all ad litem judges who had served for an uninterrupted period of service of three years or more. In the same resolution, it requested the Secretary-General to include a comprehensive actuarial study of the cost of extending pensions to the ad litem judges in his report requested pursuant to section I, paragraph 8, of General Assembly resolution 63/259.

97. The following table shows the completed years of service of ad litem judges currently serving in the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda as at the expected end of their term:

Judge	*Date term began*	*Date term expires (projected)*	*Completed years of service as at end of term*
International Tribunal for the Former Yugoslavia			
Judge A	15 December 2008	31 December 2012	4 years
Judge B	27 February 2008	30 April 2011	3 years 2 months
Judge C	3 March 2008	31 July 2012	4 years 2 months
Judge D	8 January 2007	30 June 2012	5 years 5 months
Judge E	3 March 2008	31 December 2010	2 years 9 months
Judge F	2 June 2007	31 December 2012	5 years 6 months
Judge G	25 April 2006	28 February 2012	5 years 10 months
Judge H	1 December 2009	28 February 2012	2 years 2 months
Judge I	27 February 2008	31 July 2012	4 years 5 months
Judge J	3 April 2006	30 September 2011	5 years 5 months
Judge K	3 July 2006	30 June 2010	3 years 11 months
Judge L	11 July 2006	30 June 2010	3 years 11 months
Judge M	3 April 2006	30 September 2011	5 years 5 months
International Criminal Tribunal for Rwanda			
Judge 1	27 January 2009	30 June 2011	2 years 5 months
Judge 2	24 October 2003	30 June 2011	7 years 8 months
Judge 3	31 August 2003	30 June 2011	7 years 10 months
Judge 4	11 September 2004	31 December 2010	6 years 3 months
Judge 5	1 May 2007	30 June 2011	4 years 1 month
Judge 6	10 September 2004	30 June 2011	6 years 9 months
Judge 7	7 January 2009	31 December 2010	1 year 11 months
Judge 8	22 October 2003	30 June 2011	7 years 8 months
Judge 9	10 September 2004	31 December 2010	6 years 3 months
Judge 10	24 January 2009	30 June 2011	2 year 5 months
Judge 11	20 March 2004	31 December 2010	6 years 9 months

98. In compliance with paragraph 8 of General Assembly resolution 64/261, the Secretary-General requested the United Nations Joint Staff Pension Fund to conduct an actuarial analysis of the possible granting of pension rights to the currently serving ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. The actuarial analysis completed for the currently serving ad litem judges consisted of first calculating the estimated projected retirement benefit that each judge would receive at the end of his or her term. The actuarial value of this benefit was then determined and discounted back to 1 January 2010 to provide the current value (or liability) for the potential benefits being considered. Based on the foregoing, the Pension Fund estimated the total liability of providing the same benefits to ad litem judges as those already granted to permanent judges of the two Tribunals to be US$ 12,000,000.

99. In view of the above, the General Assembly may wish to consider extending pension rights to the ad litem judges who have served for a continuous period of three years or more on the occasion of the present periodic review.

V. Financial implications

100. Should the General Assembly approve the proposals contained in paragraphs 73, 79, 84, 87 and 99 above relating, respectively, to (a) an increase in the special allowance of the Presidents and of the Vice-Presidents, when acting as President, of the International Court of Justice and the Tribunals, (b) extension of the education allowance entitlement to the ad litem judges of the Tribunals, (c) alignment of the relocation allowance conditions currently applicable to judges of the Court with those applicable to judges of the Tribunals, (d) extension of the relocation allowance entitlement to the ad litem judges of the Tribunals and (e) extension of pension rights to the ad litem judges of the Tribunals, the programme budget implications that would arise for the biennium 2010-2011 are estimated at US$ 16,200 for the International Court of Justice, US$ 467,953 for the International Tribunal for the Former Yugoslavia and US$ 1,210,700 for the International Criminal Tribunal for Rwanda (see table 2). The additional requirements that may arise are seen as relating to inflationary adjustments. Therefore, in conformity with the procedure set out in paragraph 34 of section III of General Assembly resolution 52/220, any additional requirements would be reported in the context of the relevant performance reports for the biennium 2010-2011.

Table 2

Programme budget implications of proposals concerning the conditions of service and compensation for officials other than Secretariat officials for the biennium 2010-2011

(United States dollars)

Expenditure item	*International Court of Justice*	*International Tribunal for the Former Yugoslavia*	*International Criminal Tribunal for Rwanda*
Special allowance (increase)[a]	16 200	16 200	16 200
Education grant[a]	—	32 100	60 800
Relocation allowance:[b]			
Judges (International Court of Justice formula)[c]	—	34 900	266 000
Ad litem judges (International Court of Justice formula)[d]	—	286 900	610 300
Pensions for ad litem judges[e]	—	97 853	257 400
Total	**16 200**	**467 953**	**1 210 700**

[a] Estimates are based on the commencement of benefits as of 1 January 2011. If benefits are granted retroactively to 1 January 2010, the benefits would be doubled.

[b] One-time payments during the biennium.

[c] One-time payments for the International Tribunal for the Former Yugoslavia estimated at US$ 261,000 for the biennium 2012-2013 and US$ 196,200 in 2014.

[d] One-time payment for the International Tribunal for the Former Yugoslavia of US$ 359,500 in 2012.

[e] Estimates are based on commencement of benefits as at 1 January 2011. Yearly pension payments are estimated to increase to US$ 434,000 per year (International Tribunal for the Former Yugoslavia) and US$ 431,000 per year (International Criminal Tribunal for Rwanda) during the biennium 2012-2013. If retroactive to 1 January 2010, payments for the International Tribunal for the Former Yugoslavia only increase by US$ 27,700.

VI. Next comprehensive review

101. In section III, paragraph 9, of its resolution 59/282, the General Assembly decided that the conditions of service and remuneration for the members of the International Court of Justice and the judges and ad litem judges of the two Tribunals should next be reviewed at its sixty-first session. In section I, paragraph 8, of its resolution 63/259, the General Assembly decided that the emoluments, pensions, and other conditions of service for the members of the Court and the judges of the two Tribunals would next be reviewed at its sixty-fifth session. Should the General Assembly decide to revert to the three-year review cycle, the next comprehensive review would be undertaken by the Assembly at its sixty-eighth session, in 2013.

Annex I

Changes in net remuneration of members of the Court, Secretariat officials and members of United Nations bodies for the period from January 2005 to January 2010

(United States dollars, dependency rate)

	2005	2006	2007	2008	2009	2010
International Court of Justice						
President[a]	185 080	185 080	215 651	271 434	263 180	283 386
Index	100.0	100.0	116.5	146.7	142.2	153.1
Members of the Court	170 080	170 080	200 651	256 434	248 180	268 386
Index	100	100.0	118.0	150.8	145.9	157.8
Senior Secretariat officials						
The Hague						
Under-Secretary-General[b]	202 737	182 902	205 128	225 465	218 337	235 787
Index	100	88.9	99.7	109.6	106.1	114.6
Assistant Secretary-General[c]	185 280	167 087	187 474	206 127	199 589	215 594
Index	100	88.8	99.7	109.6	106.1	114.6
Geneva						
Under-Secretary-General[b]	228 331	207 472	223 863	250 299	245 844	267 441
Index	100	100.8	108.8	121.6	119.5	129.9
Assistant Secretary-General[c]	208 755	189 623	204 657	228 905	224 819	244 626
Index	100	100.8	108.8	121.7	119.5	130.1
New York						
Under-Secretary-General[b]	205 809	217 966	217 975	224 783	239 282	239 241
Index	100	105.9	105.9	109.2	116.3	116.2
Assistant Secretary-General[c]	188 097	199 248	199 256	205 501	218 800	218 761
Index	100	105.9	105.9	109.3	116.3	116.3
Full-time members of subsidiary bodies						
Chairman, International Civil Service Commission/Advisory Committee on Administrative and Budgetary Questions[d]	189 077	196 240	199 965	207 564	211 515	215 545
Index	100	103.8	105.8	109.8	111.9	114.0
Vice-Chairman, International Civil Service Commission	179 077	186 240	189 965	197 564	201 515	205 545
Index	100	104.0	106.1	110.3	112.5	114.8
Members of the Joint Inspection Unit, Geneva	182 266	165 319	178 637	200 117	196 497	214 044
Index	100	90.7	98.0	109.8	107.8	117.4

[a] Includes a special allowance of $15,000.
[b] Includes a representation allowance of $4,000 a year.
[c] Includes a representation allowance of $3,000 a year.
[d] Includes a special allowance of $10,000 a year.

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Annex II

Movement in gross emoluments of officers of national judiciaries, the European Court of Human Rights and the International Criminal Court, 2005-2010

	2005	2006	2007	2008	2009	2010
United States Supreme Court						
Chief Justice						
United States dollars	208 100	212 100	212 100	217 400	217 400	223 500
Index	100	101.9	101.9	104.5	104.5	107.4
Associate Justice						
United States dollars	199 200	203 000	203 000	208 100	208 100	213 900
Index	100	101.9	101.9	104.5	104.5	107.4
Supreme Court of Canada						
Chief Justice						
Canadian dollars[a,b,c]	288 200	314 400	323 800	334 100	343 400	348 800
United States dollars	236 230	268 718	279 138	340 571	281 706	336 031
Index	100	113.8	118.2	144.2	119.3	142.2
Puisne Judge						
Canadian dollars[b,c,d]	266 800	291 100	299 800	309 300	317 900	322 900
United States dollars	218 689	248 803	258 448	315 291	260 788	311 079
Index	100	113.8	118.2	144.2	119.3	142.2
United Kingdom of Great Britain and Northern Ireland						
Lord Chief Justice						
Pounds sterling[c]	211 399	213 513	230 400	236 300	239 845	239 845
United States dollars	404 979	367 492	450 881	470 717	350 651	383 752
Index	100	90.7	111.3	116.2	86.6	94.8
Master of the Rolls						
Pounds sterling	191 276	193 189	205 700	211 000	214 165	214 165
United States dollars	366 429	332 511	402 544	420 319	313 107	342 664
Index	100	90.7	109.9	114.7	85.4	93.5
Australia						
Chief Justice						
Australian dollars[c]	367 060	382 110	398 930	415 690	433 570	446 580
United States dollars	284 322	278 912	314 118	364 640	301 719	401 601
Index	100	98.1	110.5	128.2	106.1	141.2
Justice						
Australian dollars[c]	333 100	346 760	362 020	377 230	393 460	405 272
United States dollars	258 017	253 109	285 055	330 904	273 807	364 453
Index	100	98.1	110.5	128.2	106.1	141.3

	2005	2006	2007	2008	2009	2010
Japan						
Chief Justice						
Yen[c]	41 645 344	39 224 946	39 556 720	40 220 269	40 552 043	39 905 298
United States dollars	400 436	335 256	335 226	352 809	449 081	435 172
Index	100	83.7	83.7	88.1	112.1	108.7
Associate Judge						
Yen	30 406 524	28 637 431	28 879 653	29 364 098	29 606 320	29 122 171
United States dollars[c]	292 370	244 764	244 743	257 580	327 866	317 581
Index	100	83.7	83.7	88.1	112.1	108.6
European Court of Human Rights[f]						
President						
Euros	210 804	210 804	218 847	228 243	235 007	239 700
United States dollars	286 030	249 472	287 957	332 716	336 205	345 887
Index	100	87.2	100.7	116.3	117.5	120.9
Member						
Euros	198 349	198 349	206 064	214 668	221 112	225 540
United States dollars	269 130	234 733	271 137	312 927	316 326	325 455
Index	100	87.2	100.7	116.3	117.5	120.9
International Criminal Court						
President						
Euros[g]	198 000	198 000	198 000	198 000	198 000	198 000
United States dollars	268 657	234 320	260 526	288 630	283 262	285 714
Index	100.0	95.9	106.7	118.2	116.0	117.0
Member of the Court						
Euros	180 000	180 000	180 000	180 000	180 000	180 000
United States dollars	244 233	213 018	236 842	262 391	257 511	259 740
Index	100.0	87.2	97.0	107.4	105.4	106.3

[a] Also entitled to a representation allowance of Can$ 10,000.
[b] Also entitled to an incidental allowance of Can$ 2,500.
[c] Salary effective as of 1 April.
[d] Also entitled to a representation allowance of Can$ 5,000.
[e] Also entitled, as of 1 July, to an annual allowance of A$ 20,000 in 2004; A$ 25,000 in 2005; A$ 26,560 in 2006; A$ 26,640 in 2007; A$ 26,800 in 2008; and A$ 28,650 in 2009.
[f] Effective as of 1 April for members hired before 2009. A representation allowance is included in the emoluments of the President.
[g] Also entitled to a representation allowance of €18,000.

Annex III

Salaries for senior officials in The Hague

	Under-Secretary-General[a]		*Judge of the International Court of Justice*		*Judge of the International Criminal Court*	
	Euros	*United States dollars*	*Euros*	*United States dollars*	*Euros*	*United States dollars*
January 2008	12 889	18 789	14 659	21 370	15 000	24 345
February 2008	12 870	19 039	14 642	21 659	15 000	24 675
March 2008	12 840	19 426	14 613	22 107	15 000	25 185
April 2008	12 784	20 165	14 558	22 963	15 000	26 160
May 2008	12 800	19 937	14 573	22 699	15 000	25 860
June 2008	12 805	19 914	14 579	22 673	15 000	25 830
July 2008	12 789	20 108	14 562	22 897	15 000	26 085
August 2008	12 308	19 141	14 003	21 778	15 000	24 810
September 2008	12 889	19 039	14 663	21 659	15 000	24 675
October 2008	12 631	18 493	14 362	21 027	15 000	23 955
November 2008	13 785	17 834	15 664	20 264	15 000	23 085
December 2008	13 785	17 856	15 664	20 290	15 000	23 115
	155 176	**229 740**	**176 541**	**261 385**	**180 000**	**297 780**
January 2009	12 718	18 195	14 457	20 682	15 000	23 025
February 2009	13 767	18 067	15 647	20 533	15 000	22 860
March 2009	13 810	17 659	15 688	20 062	15 000	22 335
April 2009	13 757	18 125	15 636	20 601	15 000	22 935
May 2009	14 061	18 649	15 990	21 207	15 000	23 610
June 2009	13 671	19 067	15 553	21 692	15 000	24 150
July 2009	13 656	19 207	15 538	21 854	15 000	24 330
August 2009	13 659	19 184	15 541	21 827	15 000	24 300
September 2009	13 624	19 603	15 507	22 312	15 000	24 840
October 2009	13 607	19 777	15 490	22 514	15 000	25 065
November 2009	13 582	20 091	15 465	22 878	15 000	25 470
December 2009	13 549	20 406	15 432	23 242	15 000	25 875
	163 461	**228 030**	**185 944**	**259 404**	**180 000**	**288 795**
January 2010	13 617	19 649	15 499	22 366	15 000	24 165
February 2010	13 661	19 133	15 543	21 769	15 000	23 520
March 2010	13 716	18 510	15 596	21 047	15 000	22 740
April 2010	13 726	18 474	15 607	21 005	15 000	22 695
May 2010	13 215	17 527	15 011	19 908	15 000	21 510
June 2010	13 893	16 963	15 770	19 256	15 000	20 805

[a] Includes representation allowance of US$ 4,000 per year.

United Nations A/65/135

General Assembly

Distr.: General
15 July 2010
English
Original: Arabic/English/French/
Russian/Spanish

Sixty-fifth session
Item 99 (u) of the provisional agenda*
General and complete disarmament

Confidence-building measures in the regional and subregional context

Report of the Secretary-General

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* A/65/150.

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I. Introduction

1. In its resolution 64/43, the General Assembly reaffirmed the ways and means regarding confidence- and security-building measures set out in the report of the Disarmament Commission on its 1993 session, and it called upon Member States to pursue those ways and means through sustained consultations and dialogue, while at the same time avoiding actions that may hinder or impair such a dialogue. Furthermore, the General Assembly urged States to comply strictly with all bilateral, regional and international agreements, including arms control and disarmament agreements to which they are a party. The Assembly also emphasized that the objective of confidence-building measures should be to help strengthen international peace and security and to be consistent with the principle of undiminished security at the lowest level of armaments, and encouraged the promotion of bilateral and regional confidence-building measures, with the consent and participation of the parties concerned, to avoid conflict and prevent the unintended and accidental outbreak of hostilities. It requested the Secretary-General to submit a report to the General Assembly at its sixty-fifth session containing the views of Member States on confidence-building measures in the regional and subregional context. The present report is submitted pursuant to that request.

2. A note verbale was sent on 17 March 2010 to all Member States requesting their views. To date, replies from the Governments of Burkina Faso, Lebanon, Mexico, Spain and Ukraine have been received and are reproduced in section II below. Additional replies will be issued as addenda to the present report.

II. Replies received from Member States

Burkina Faso

[Original: French]
[6 May 2010]

1. In keeping with the purposes and principles of the Charter of the United Nations, the Government of Burkina Faso is endeavouring to establish a climate of confidence, solidarity and peaceful coexistence with both the countries of the West African subregion and all the African States which are members of the African Union.

2. Accordingly, our country regularly takes part in the African Union summits, where it shares ideals of peace and unity and works towards the full integration of the continent.

3. At the subregional level, Burkina Faso is resolutely engaged in seeking peace and security.

4. Its President, Blaise Campaore, is regularly called upon to settle disputes through mediation and conciliation.

5. He has, for instance, been designated by the States of the subregion to be the mediator in the political crisis that has been dividing Côte d'Ivoire since September 2002. Under his guidance, those involved in the crisis signed a comprehensive political agreement on 4 March 2007, which has set a path for emerging from the crisis in Côte d'Ivoire.

6. In neighbouring Togo, Burkina Faso helped to bring the various political figures together when issues of succession arose after the death of President Eyadema in 2005. Togo has just held presidential elections on 4 March 2010, and they were conducted peacefully.

7. Still more recently, President Campaore was appointed by the Economic Community of West African States (ECOWAS) to lead the peace process in Guinea. On 15 January 2010, a joint declaration was signed in Ouagadougou to pave the way for dialogue and make preparations for the presidential elections scheduled to be held on 27 June.

8. Burkina Faso's involvement in all these conflict situations shows that it is determined and committed to participate in the establishment of a climate of confidence in the subregion.

9. In addition to resolving crises, Burkina Faso has undertaken to reinforce a climate of peace and solidarity with neighbouring countries by engaging in the peaceful settlement of border disputes, using international dispute-settlement mechanisms.

10. Thus, in order to resolve border disputes with the Niger and Benin, Burkina Faso made a signed commitment that it will apply the rules and principles of international law, especially the principle of the intangibility of the borders inherited from colonization, and accept the ruling of the International Court of Justice as final and binding.

11. Furthermore, our country is relying on technical and political consultative machinery to engage in a sustained political dialogue with several countries of the subregion. With this in mind, Burkina Faso and Côte d'Ivoire signed a treaty of friendship and cooperation on 29 July 2008 in Ouagadougou and held a joint Council of Ministers on 15 September 2009 in Yamoussokro.

12. Militarily, the army of Burkina Faso maintains good relations with fellow armies in the subregion and on the African continent. It takes part in joint manoeuvres conducted by ECOWAS in preparation for the establishment of its standing force.

13. Burkina Faso has been taking part increasingly in peacekeeping operations, all of which demonstrates its determination to work to establish peace and security in conjunction with the other members of the community of nations. The presence now in Darfur of the military contingent "LAAFI" testifies to this.

Lebanon

[Original: Arabic]
[6 July 2010]

Confidence-building measures at the regional and subregional levels

The Ministry of National Defence affirms that Lebanon supports all international initiatives and agreements designed to build confidence, maintain military balance, and suppress uncontrolled proliferation of various types of weapon in the region and the world, which poses a serious threat at the regional, subregional and international levels. The Ministry also affirms the country's commitment to international law, regional peace and the principles set forth in the Charter of the

United Nations and, in particular, the principle of sovereign equality. The main obstacle Lebanon faces in building confidence at the regional and subregional levels is Israel, which continues to violate international law and norms and possesses weapons of mass destruction which constitute a permanent threat at the local and regional levels.

Mexico

[Original: Spanish]
[21 May 2010]

1. At the multilateral level, Mexico has supported and will continue to promote confidence-building measures in the regional and subregional context through the United Nations Disarmament Commission, the Conference on Disarmament, the First Committee of the General Assembly and other major disarmament forums.

National actions

2. Since the illegal flow of weapons encourages criminal groups, Mexico has strengthened its inter-agency coordination arrangements for dealing with illicit arms trafficking, with a view to combining the efforts of the different federal units responsible for this issue, and this has resulted in the implementation of various programmes designed to prevent the proliferation of criminal activities.

3. In this connection, mention should be made of the workshop on the international juridical framework to combat illicit arms trafficking, attended by representatives of various national units, which was held on 18 February 2010 at the Ministry of Foreign Affairs.

4. In compliance with the resolutions adopted by the United Nations General Assembly, Mexico has submitted reports on measures adopted at the national level on various items, including: (a) Objective information on military matters, including transparency in military expenditure; (b) Confidence-building measures in the context of conventional weapons; (c) Control of conventional weapons at the regional and subregional levels; (d) Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; and (e) the United Nations Register of Conventional Arms.

5. In addition, Mexico wishes to appeal to Member States to strengthen their diplomatic channels and increase information exchange, confidence, transparency, stability and understanding in respect of conventional weapons.

Bilateral actions

6. Within the framework of the Mérida Initiative, Mexico and the United States of America have strengthened information-sharing mechanisms for tracing firearms, ammunition, explosives and other related materials that may have been illicitly trafficked.

7. In coordination with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Mexican authorities have been sharing information using the e-Trace electronic tracing system administered by ATF, under Project Gunrunner, to detect multiple purchasers of firearms in the United States and firearms illegally brought

into the national territory. As a result of this effort, 53,255 firearm traces were requested from e-Trace in 2009; from 1 January 2010 to 14 April 2010, 5,280 firearm traces were requested from the system. In Mexico, arms are traced by two methods:

(a) The Technical Secretariat of the Interagency Coordination Group for the Prevention and Control of Trafficking in Firearms, Ammunition and Explosives (GC-Armas) gives ATF representatives information on armaments seized in the national territory; and

(b) The National Centre for Planning, Analysis and Information to Combat Crime (CENAPI) of the Office of the Public Prosecutor has direct access to the e-Trace system to obtain data on the first purchaser of the seized firearm.

8. In addition, CENAPI has held consultations with Peruvian authorities by videoconference in order to share experience and study best practices for combating illicit firearms trafficking. In this connection, meetings were held in March and April 2010 of experts in the use of the Integrated Ballistics Identification System (IBIS). On this occasion, emphasis was placed on the need to reactivate mechanisms for information exchange between authorities of the two countries responsible for dealing with this issue.

9. Mexico also participated in an international seminar on good practices and lessons learned for transparency regarding arms and armed violence, held in Guatemala City from 17 to 19 March 2010.

10. On 8 December 2009, at a meeting between Felipe Calderón Hinojosa, the President of the United Mexican States, and Mr. Recep Tayyip Erdogan, the Prime Minister of the Republic of Turkey, the two Heads of State agreed to explore the possibility of establishing a working group to propose bilateral cooperation mechanisms to combat organized crime and terrorism.

Regional actions

11. An important feature of regional cooperation is the close relationship with the Central American Programme on Small Arms Control (CASAC), which recently invited GC-Armas to participate in an inter-agency training course on combating illicit firearms trafficking. Mexico also participated in the course on investigation, arms identification, customs and human security, held from 15 to 26 March 2010 in San José.

12. At the Fourth Dialogue between the Central American Integration System (SICA) and Mexico on Democratic Security, held on 8 and 9 March 2010 in San Salvador, decisions were taken on a series of actions by member States. Emphasis was placed on cooperation for the sharing of information on patterns of illicit drug and arms trafficking.

13. With a view to dealing with matters of security and mutual interest so as to promote unity, increase hemispheric security and strengthen international peace and security, as well as to achieve a close understanding among Member States for the joint study of problems of common interest in the American continent, the Ministry of National Defence participates in various military forums, such as the Conference of Ministers of Defense of the Americas and the Inter-American Defense Board, in

addition to participating in various conferences and seminars through military attachés assigned to the embassies of Mexico.

14. Moreover, from the outset of the negotiating process, Mexico was one of the main proponents of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA). In connection with this agreement, Mexico has adopted a series of measures designed to deal with this issue, such as participation in the eleventh regular meeting held within the framework of CIFTA on 23 April 2010, at which it described its progress and achievements concerning control of illicit arms trafficking.

15. At that meeting, Mexico promoted the creation of a hemispheric register of ballistic fingerprints, for the purpose of tracing armaments from the time of their manufacture until they are seized.

16. Mexico supported the adoption of resolution AG/RES. 2447 (XXXIX-O/09) entitled "Confidence- and Security-Building in the Americas", adopted at the thirty-ninth regular session of the General Assembly of the Organization of American States, held in San Pedro Sula, Honduras, from 2 to 4 June 2009.

Spain

[Original: Spanish]
[4 May 2010]

1. The ultimate goal of an arms control or confidence- and security-building measure system should be to prevent conflicts by reducing the risk of erroneous perceptions and calculations vis-à-vis the military activities of others, establishing measures that inhibit the possibility of covert military preparations, and reducing the risk of surprise attacks and of inadvertently unleashing hostilities.

2. On the basis of that criterion, confidence- and security-building measures in the regional and subregional context are invaluable as preventive measures, being adapted to regional and subregional specificities, limited to a smaller number of parties, and more stringent and consequently more effective. All the foregoing increases the likelihood that the measures will be adopted and have force.

3. At the regional level, Spain has actively participated in all initiatives that have been undertaken in this regard: it is a signatory to the Treaty on Open Skies, which includes legally binding measures, and, as a participating State in the Organization for Security and Cooperation in Europe (OSCE), is politically bound by the measures contained in the Vienna Document 1999 on confidence- and security-building measures and other OSCE documents.[1] Moreover, Spain has contributed to the implementation of the Agreement on Regional Stabilization under annex 1-B of

[1] Such as the Code of Conduct on Politico-Military Aspects of Security, the Global Exchange of Military Information and the OSCE Document on Small Arms and Light Weapons.

the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement).[2]

4. Among the body of principles which, in our view, should govern confidence- and security-building measures, as set forth in Spain's reply to the request for information pursuant to General Assembly resolution 64/42, the following are particularly notable in the regional and subregional levels:

- Specificity: Confidence- and security-building measures should be specifically negotiated for each case and each geographical area;
- Transparency: This should be based on the smooth flow of information exchanges and building of contacts, and responsive communications;
- Verifiability: The measures adopted should include a system for verifying their implementation. That is the only way to maintain confidence in cases of suspected non-compliance;
- Reciprocity: Each party's gains in terms of a higher level of confidence in the other parties should be matched by similar gains in the other parties' level of confidence; otherwise, measures of this type will be much harder to negotiate;
- Voluntary negotiations and mandatory compliance: Parties should feel comfortable with the measures agreed at each stage of the process. The political will required for the negotiation of measures of this type should be commensurate with the mandatory nature of compliance with these measures;[3]
- Progressivity: The measures should be seen as a process in which new and more effective measures are progressively developed as confidence between the parties improves;
- Complementarity: Care should be taken at all times to ensure complementarity between the measures adopted at the global (United Nations), regional, subregional and bilateral levels and to avoid the duplication of measures.

5. Furthermore, the effective implementation of confidence- and security-building measures calls for:

- A mechanism for consultations and for follow-up to the implementation of measures. It should facilitate complaints and the solution of problems that might arise in the practical implementation of measures, as well as negotiation of new measures or the modification of existing ones;
- An appropriate communications system, or, failing that, a network of contact points among the participants. At the executive level, there is a need to ensure

[2] Specifically, article II relates to Confidence- and Security-Building Measures in Bosnia and Herzegovina (similar to those in the Vienna Document) and article IV relates to Measures for Sub-Regional Arms Control in the Republic of Croatia, the Federal Republic of Yugoslavia and Bosnia and Herzegovina (more similar to the Treaty on Conventional Armed Forces in Europe treaty). Our country's verification unit provides assistance to and participates in the organization and implementation of the verification measures set out under such agreements. Spain is also party to article V on stabilization measures with a broader geographical scope and which entered into force on 1 January 2002.

[3] Nevertheless, an imposed CBM-CSBM system, as under article II of annex 1-B of the Dayton Peace Agreement, can be effective if accompanied by an adequate international arbitration system.

compliance with the time limits for response, inherent in the various measures, and at the directive level, to remain sufficiently flexible to channel the information flow and to take decisions enabling confidence to be restored in the face of possible alarms.

Ukraine

[Original: Russian]
[17 May 2010]

6. United Nations General Assembly resolution 64/43, entitled "Confidence-building measures in the regional and subregional context".

Throughout 2009, the activities of Ukraine's armed forces within the framework of the regional entities were aimed at ensuring security in the region, at building mutual confidence among participating States and broadening cooperation in the military sphere.

In accordance with chapter X of the Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures, Ukraine complies with the bilateral agreements which it has concluded with neighbouring States on additional confidence- and security-building measures:

The agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Hungary of 27 October 1998 on confidence- and security-building measures and the development of bilateral military contacts;

The agreement between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic of 30 August 2000 on additional confidence- and security-building measures;

The agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus of 16 October 2001 on additional confidence- and security-building measures;

The agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Poland of 16 April 2004 on additional confidence- and security-building measures.

In all, from the signing of the above-mentioned documents until the present time, the following activities have been implemented throughout Ukraine:

162 in compliance with the Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures, including 13 in 2009;

59 in accordance with bilateral agreements on additional confidence- and security-building measures, including 8 in 2009.

In turn, in the territories of other Member States, Ukraine has implemented the following activities:

218 in accordance with the Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures, including 10 in 2009;

55 in accordance with bilateral agreements on additional confidence- and security-building measures, including 4 in 2009.

Being aware of the importance of and need for additional confidence- and security-building measures in the region, supplementing the above-mentioned documents, Ukraine is laying the groundwork for the signing of bilateral agreements with all neighbouring States.

In compliance with the provisions of the Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures, Ukraine annually exchanges up-to-date information with the 55 Member States of OSCE.

Moreover, Ukraine is an active party to international instruments on additional confidence- and security-building measures in the Black Sea region, namely:

The agreement on the creation of a Black Sea naval cooperation task group "Blackseafor" of 2 April 2001;

The document on additional confidence- and security-building measures in the Black Sea naval sphere of 25 April 2002.

Reaffirming the continuity of its foreign policy, Ukraine sees its active involvement in international and regional organizations as a significant contribution to ensuring security in Eastern Europe and the world as a whole.

United Nations A/65/136

General Assembly

Distr.: General
15 July 2010

Original: English

Sixty-fifth session
Item 99 (f) of the provisional agenda*
General and complete disarmament

Mongolia's international security and nuclear-weapon-free status

Report of the Secretary-General

Summary

The present report contains an account of new developments and the assistance accorded to Mongolia by the Secretariat and relevant United Nations bodies since the issuance of the previous report on this subject (A/63/122). During the reporting period, the Office for Disarmament Affairs held a series of consultations with Mongolia and relevant United Nations bodies on ways and means to consolidate Mongolia's international security and nuclear-weapon-free status.

Mongolia has continued to receive international recognition for its nuclear-weapon-free status and to promote other nuclear disarmament and non-proliferation objectives. Mongolia has continued to seek the institutionalization of its nuclear-weapon-free status, and in that regard it has undertaken discussions with its two immediate neighbours, China and the Russian Federation, towards the conclusion of a legal instrument, which would include a separate draft protocol to be signed by the other nuclear-weapon States.

The United Nations has largely focused on providing support to Mongolia in response to natural disasters, especially the ongoing Dzud crisis that began in December 2009. The Government and people of Mongolia have received assistance from various United Nations departments and specialized agencies, including the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the Office for the Coordination of Humanitarian Affairs, the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO).

* A/65/150.

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I. Introduction

1. In its resolution 63/56, entitled "Mongolia's international security and nuclear-weapon-free status", the General Assembly invited Member States to continue to cooperate with Mongolia in taking the necessary measures to consolidate and strengthen Mongolia's independence, sovereignty and territorial integrity, the inviolability of its borders, its independent foreign policy, its economic security and its ecological balance, as well as its nuclear-weapon-free status. The Assembly also requested the Secretary-General and relevant United Nations bodies to continue to provide assistance to Mongolia in taking the aforementioned necessary measures, and requested the Secretary-General to report to it at its sixty-fifth session on the implementation of the resolution. The present report is submitted pursuant to that request.

II. Activities related to Mongolia's nuclear-weapon-free status

2. Since the submission of the previous report of the Secretary-General on this subject (A/63/122), the Office for Disarmament Affairs, through its Weapons of Mass Destruction Branch, has continued to provide assistance to Mongolia in taking the necessary measures to consolidate and strengthen its nuclear-weapon-free status. The Branch organized two meetings, on 26 February and 8 June 2010, of relevant United Nations bodies to exchange information on activities aimed at implementing resolution 63/56 and to discuss the preparation of the 2010 report of the Secretary-General on the subject. Officials from the Department of Economic and Social Affairs, the Department of Political Affairs, the International Atomic Energy Agency (IAEA), the Office for the Coordination of Humanitarian Affairs, the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and the Office of the United Nations High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, as well as representatives of Mongolia attended the meetings.

3. Mongolia has continued its vigorous efforts to seek international recognition for, and the institutionalization of, its nuclear-weapon-free status by working to conclude a legal instrument on its status with its two immediate neighbours, China and the Russian Federation, with a separate protocol to be signed by the other nuclear-weapon States, and by working to establish recognition of its status as a norm:

(a) In March and September 2009, Mongolia held preliminary trilateral meetings with China and the Russian Federation in Geneva to exchange views on the draft trilateral treaty on its nuclear-weapon-free status, which it had presented in September 2007. At the September 2009 meeting, China and the Russian Federation presented a joint paper to Mongolia containing questions and comments on the draft treaty. A request was made for the other three nuclear-weapon States to join in negotiations of the treaty. Mongolia is studying the response provided by China and the Russian Federation;

(b) In April 2009, in Ulaanbaatar, Mongolia hosted the first meeting of focal points of parties and signatories to treaties that establish nuclear-weapon-free zones, and Mongolia. The participants exchanged views on the preparations for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear

Weapons and the Second Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, and Mongolia;

(c) In April 2010, Mongolia held a consultative meeting with IAEA on its nuclear-weapon-free status. The meeting focused on: nuclear-weapon-free zone concepts, principles, progress achieved and future challenges; Mongolia's single-State nuclear-weapon-free zone status; legislation, assistance programmes and instruments to be implemented; and national legislation pertaining to nuclear safeguards, security, safety, liability and its nuclear-weapon-free status.

4. Mongolia's nuclear-weapon-free status has continued to receive international recognition, especially through references at the bilateral and multilateral meetings:

(a) In July 2009, the Heads of State and Government of the Non-Aligned Movement, meeting in Sharm el-Sheikh, Egypt, expressed their support for Mongolia's policy aimed at institutionalizing its nuclear-weapon-free status, welcomed the start of discussions between Mongolia and its two neighbouring States to conclude the required legal instrument and expressed their hope that these discussions would soon result in the conclusion of an international instrument institutionalizing its status;

(b) The Outcome Document of the Second Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones, and Mongolia, expressed full support for Mongolia's policy of institutionalizing its nuclear-weapon-free status and welcomed the talks being held between Mongolia and its two neighbours.[1] The declaration adopted by the Civil Society Forum for Nuclear-Weapon-Free Zones recommended the establishment of additional nuclear-weapon-free zones, including single-State zones;

(c) The Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons welcomed the declaration by Mongolia of its nuclear-weapon-free status and supported the measures taken by Mongolia to consolidate and strengthen that status.[2]

5. Mongolia also continued to promote awareness regarding its security and nuclear-weapon-free status as well as to advance other nuclear disarmament and non-proliferation objectives:

(a) On 16 February 2010, Mongolia convened a round-table discussion in Vienna on the theme "Reinforcing the Non-Proliferation Treaty: challenges and opportunities", at which Member States and the United Nations community in Vienna exchanged information and views on issues relating to the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

(b) In March 2010, Mongolia held a national symposium entitled "Nuclear energy in the XXI century — from threat to saviour: thoughts of scholars", which addressed issues related to nuclear threat reduction as well as peaceful uses of nuclear energy. The symposium also focused on the prospects of establishing a nuclear-weapon-free world, Mongolia's nuclear-weapon-free status, its experience and the challenges to institutionalizing its status and prospects of establishing

[1] NWFZM/CONF.2010/1, para. 23.

[2] NPT/CONF.2010/50 (Vol. I), para. 100.

further nuclear-weapon-free zones. During the symposium, Mongolia delivered a special briefing on the implementation of General Assembly resolution 63/56 and the measures that need to be taken at the national and international level to institutionalize its nuclear-weapon-free status.

6. The State Great Khural (parliament) adopted a nuclear energy law which addresses, inter alia, the issue of radiation safety. In April 2009, the Director General of IAEA visited Mongolia to discuss further developing bilateral relations, including provision by IAEA of advisory services in defining the State policy as it relates to the peaceful application of nuclear energy, providing the needed legislative assistance and training to national personnel. In September 2009, Mongolia joined the IAEA Board of Governors for a two-year term.

III. Non-nuclear aspects of Mongolia's international security

7. The United Nations has provided significant support to the people and the Government of Mongolia in response to natural disasters, especially during the Dzud crisis that began in December 2009, the effects of which continue to challenge herder populations. The Dzud is a natural phenomena consisting of a summer drought, resulting in insufficient production of feed for livestock, followed by very severe winter conditions. As of June 2010, 8.1 million livestock have perished and 43,555 people have lost all their livestock, causing serious threats to the survival and economic security of the vulnerable population whose livelihoods mostly depend on livestock. More than 28 per cent of the population, or 769,106 people (217,144 families) have been affected by the Dzud, primarily through the loss of their livestock.

8. In order to mitigate the human impact of the Dzud, United Nations agencies based in Mongolia, including the United Nations Children's Fund (UNICEF), UNDP, the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO), have responded to the needs of impacted populations by providing relief items and services, such as food, nutrition, education and medical supplies. In addition, the Office for the Coordination of Humanitarian Affairs granted $3.7 million to these agencies from the Central Emergency Response Fund to help the Government of Mongolia in meeting the most immediate and critical needs.

9. On 12 May 2010, the United Nations country team in Mongolia and the Office for the Coordination of Humanitarian Affairs assisted the Government of Mongolia in the launch of the Mongolia Dzud Appeal, which covers the sectors of: (a) health, survival, food, water/sanitation and nutrition; (b) education; (c) agriculture; and (d) early recovery. The Appeal has been used as a key strategic planning and coordination document that also facilitates resource mobilization against the total target of $18 million. As of June 2010, the response rate of the Appeal was only 7.6 per cent, leaving unmet requirements of $16.8 million. The Government of Mongolia has also been encouraged to implement relevant recommendations from the 2004 preparedness assessment mission of the United Nations disaster assessment and coordination team with a view to increasing the level of response preparedness for future disasters.

10. Building upon recommendations made by the Regional Office of the Office for the Coordination of Humanitarian Affairs in Asia and the Pacific in February 2010,

the Office for the Coordination of Humanitarian Affairs will convene a workshop and initial contingency planning exercise with a view to providing assistance in the local familiarization, configuration and implementation of the cluster approach in Mongolia. The Regional Office in Asia and the Pacific is also in the process of conceptualizing a lessons learned exercise to capture valuable experiences and best practices based on the response to the ongoing and previous Dzud events and ensure a higher degree of preparedness before the next winter season.

11. The Office for the Coordination of Humanitarian Affairs considers it important to address the root causes of the Dzud so as to avoid a repetition of related crises in the future. A general consensus has emerged that the effects of Dzud are mainly a development challenge, and that use of humanitarian instruments as a short-term solution is sub-optimal and could even be counter-productive. With the aim of placing the human-made component of the situation at the centre of analysis, the following factors should be further examined: (a) lack of sustainable pasture management; (b) lack of adequate numbers and operation of pasture water points and wells; (c) lack of adequate supplies and piled stock animal food, including hay and fodder; (d) lack of winter protection for animals; and (e) too many animals.

12. In addition, there is a strong need to step up support for the Government of Mongolia in mobilizing development assistance that addresses the ecological and economic causes of the Dzud. In that regard, the United Nations works closely with the Government of Mongolia, especially in applying the concept of human security. Based on the human security approach, the United Nations Trust Fund for Human Security has implemented six projects in Mongolia, spending a total of $8.53 million, covering various issues from primary health care, education, livelihood assistance to environment. The most recent project, entitled "Promoting social equality in the Gobi areas of south Mongolia by fostering human security with integrated and prevention approaches", for which $2.78 million has been allocated, is aimed at alleviating social inequality related to serious poverty and climate change in order to enhance human security through integrated, multisectoral and preventative measures.

13. Under the country programme for 2007-2011, the UNDP office in Mongolia continues to provide support by focusing on strengthening economic security and maintaining an ecological balance, which has been particularly challenged since 2009 by the global economic crisis and the ongoing Dzud crisis.

14. UNDP supports the Government in strengthening economic security at both national and community levels through the following projects:

(a) The United Nations-wide work on Millennium Development Goals-based budgeting, advocacy for the implementation of the Goals at the local level, the production of poverty maps and the DevInfo database have helped to strengthen the capacity of the Government for evidence-based planning, decision-making and monitoring and pro-poor policies to address social vulnerabilities that would critically help achieve the Goals;

(b) A think tank of landlocked developing countries was established with UNDP support to help address the specific trade challenges of those countries;

(c) UNDP supports expansion of business opportunities for small, medium-sized and microentrepreneurs in rural and urban areas through pro-poor employment

creation and the improvement in real-incomes programmes that directly benefit thousands of Mongolians, particularly vulnerable groups and women.

15. To maintain Mongolia's ecological balance, UNDP continues:

(a) Strengthening environmental governance and helping community groups to effectively manage natural resources; increasing access of the poor to safe drinking water and sanitation services; promoting an energy efficiency strategy and standards in the construction sector through the Clean Development Mechanism; reducing land degradation and combating desertification; improving disaster risk reduction and emergency response systems and capacities for natural disasters;

(b) Supporting a review of the legal framework in the environment sector to identify policy gaps, and assessment of institutional efficiency and capacity gaps at national and local levels; and an appraisal of the current status of implementation of the core United Nations environmental conventions;

(c) Supporting initiatives of the Government to cope with climate change through assistance in conducting a vulnerability assessment for climate change and implementing the national action plan on climate change; formulation of appropriate energy efficient policies and standards and technology transfer in construction sector;

(d) Protecting biodiversity through conservation planning in Altai and Sayan regions and strengthening management of protected areas.

16. In order to mitigate the impact of the Dzud crisis, UNDP is currently supporting the overall recovery efforts of the Government of Mongolia through a "cash-for-work" scheme to provide immediate incomes to affected herders for removing and burying carcasses, and introduction of alternative livelihood opportunities to herders.

17. UNEP supports its Mongolian partners in promoting environmental security by supporting sound environmental governance, capable management and sustainable utilization of Mongolian natural resources and environment to ensure the welfare of its population. UNEP activities are mainly in the fields of climate change, ecosystems and hazardous waste management. Having completed a climate change assessment report in 2009 and complimenting other climate change work, UNEP programming has concentrated on the urban water vulnerability as it relates to climate change. The cooperation ecosystems related to has involved rehabilitation, education and livelihoods projects as well as a revision of the relevant environmental law. In addition, UNEP is assisting with the consolidation of all biodiversity-related regulations into a single biodiversity conservation law. Activities in the hazardous waste segment are concentrated around ozone action: strengthening institutions, phase-out management and connecting to the regional and international networks (including dialogue and trade). UNEP future activities will be integrated in the United Nations Development Assistance Framework, to be completed in 2010.

IV. Conclusion

18. As described in the present report, Mongolia's nuclear-weapon-free status is being consolidated and institutionalized and has gained wide recognition. Mongolia

has made progress towards starting negotiation of a trilateral treaty with China and the Russian Federation towards institutionalizing this status. Furthermore, various departments, programmes, funds and agencies of the United Nations have supported Mongolia in responding to the ecological, economic, humanitarian and human security consequences of the most recent incidence of Dzud and towards mitigating the effects of severe weather phenomena, including development assistance. The Secretary-General hopes that the assistance provided by the United Nations will further contribute to consolidating Mongolia's nuclear-weapon-free status and assist the country in effectively addressing the current ecological crisis and achieving sustainable development and balanced growth, as well as reinforcing its efforts towards the achievement of the Millennium Development Goals.

United Nations A/65/137

General Assembly

Distr.: General
15 July 2010
English
Original: English/French/Spanish

Sixty-fifth session
Items 99 (q), (aa) and (cc) of the provisional agenda*
General and complete disarmament

Reducing nuclear danger

Nuclear disarmament

Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

Report of the Secretary-General

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I. Introduction

1. The present report is submitted pursuant to requests contained in General Assembly resolutions 64/37, 64/53 and 64/55.

2. In paragraph 5 of resolution 64/37, the General Assembly requested the Secretary-General to intensify efforts and support initiatives that would contribute towards the full implementation of the seven recommendations identified in the report of the Advisory Board on Disarmament Matters that would significantly reduce the risk of nuclear war (see A/56/400, para. 3), and also to continue to encourage Member States to consider the convening of an international conference, as proposed in the United Nations Millennium Declaration (see General Assembly resolution 55/2), to identify ways of eliminating nuclear dangers, and to report thereon to the General Assembly at its sixty-fifth session.

3. In paragraph 22 of resolution 64/53, the General Assembly requested the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on the implementation of the resolution.

4. In paragraph 3 of resolution 64/55, the General Assembly requested all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the resolution and nuclear disarmament, and requested the Secretary-General to apprise the General Assembly of that information at its sixty-fifth session.

II. Observations

5. The past year signified an important turning point in international efforts to achieve the universal objective of a world free of nuclear weapons. There has been some progress related to reducing the total number of deployed nuclear weapons, increased transparency, an endeavour to diminish the role and significance of nuclear weapons in security policies and the building of political support for a process leading to the complete elimination of nuclear weapons, including by means of a nuclear weapons convention or a framework of separate mutually reinforcing instruments, backed by a strong system of verification. Consensus agreements, however, continued to elude forums for the development of new international law relating to the constraint and elimination of nuclear weapons, potentially limiting the opportunities of the international community to consolidate and carry forward the prevailing political momentum for nuclear disarmament. However, political impetus continues to exist for the achievement of interim measures, including de-alerting, reducing and eliminating non-strategic nuclear weapons, consolidating legal norms against the threat or use of nuclear weapons including by means of further articulating the norms of international humanitarian law, establishing universal legally binding commitments against the threat or use of nuclear weapons in all circumstances and a legally binding commitment to end the production of fissile materials for use in nuclear weapons.

6. Major civil society, intergovernmental and other initiatives aimed at achieving a world free of nuclear weapons contributed significant political momentum. These included, inter alia, the release of the report of the International Commission on Nuclear Non-Proliferation and Disarmament on 15 December 2009, the release of an action plan by the Global Zero campaign and the premiere in early 2010 of the

film *Countdown to Zero*, the efforts of Mayors for Peace and many other organizations around the world in seeking the negotiation of a nuclear weapons convention, the active participation of parliamentarians in nuclear disarmament efforts and the renewed engagement of international organizations such as the International Committee of the Red Cross. Following from the 2007 article published in *The Wall Street Journal* by former statesmen from the United States of America, additional editorials in support of a world free of nuclear weapons were published by former statesmen in Belgium, Canada, France, Italy, the Netherlands, Poland and Sweden. While support for nuclear disarmament remains publicly popular globally and has continued to dramatically increase among the ranks of parliamentarians, civic leaders, former high-ranking government officials, retired military officers and other prominent public figures, including high-level political commitment to nuclear disarmament, rapid progress towards a world free of nuclear weapons has not yet become central to planning in all levels of government among the States that possess nuclear weapons.

7. On 8 April 2010 in Prague, President Medvedev of the Russian Federation and President Obama of the United States of America signed the Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms. Some nuclear-weapon States and other relevant States have supported and undertaken measures related to reducing the role and significance of nuclear weapons in their military and security concepts, doctrines and policies. The Russian Federation in its 2010 Military Doctrine and the United States of America in its 2010 Nuclear Posture Review announced welcome reductions in the scenarios in which the threat or use of nuclear weapons would be envisaged. Some nuclear-weapon States have enacted new transparency measures and have publicly reported the total number of deployed and non-deployed nuclear weapons in their national arsenals. Despite these steps, the number of nuclear weapons in national arsenals remains in the many thousands, including thousands of warheads maintained on high-alert status and capable of launch within minutes. Several nuclear-weapon States remain committed to the doctrine of nuclear deterrence based on the contemplated first use of nuclear weapons and are not prepared to make changes to their security postures or use doctrines that would enable further measures related to de-alerting, reducing the infrastructure and expenditures dedicated to nuclear weapons and reducing and eliminating their nuclear arsenals.

8. The goal of nuclear disarmament and non-proliferation has also been advanced by several major international meetings and conferences:

(a) The Security Council, during its summit on nuclear non-proliferation and nuclear disarmament of 24 September 2009, in which it adopted by consensus resolution 1887 (2009), underlined the need to pursue further efforts in the sphere of nuclear non-proliferation and disarmament and called for several measures in this regard. The Secretary-General has called for the Security Council to meet annually to discuss nuclear disarmament and non-proliferation;

(b) The sixth Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty convened in New York from 24 to 25 September 2009 and adopted specific and practical measures to promote the entry into force of the Treaty. The large number of high-level participants attending the Conference added significant momentum to the nuclear disarmament and non-proliferation efforts;

(c) The nuclear security summit, convened by the United States of America from 12 to 13 April 2010 in Washington D.C., adopted a workplan containing concrete steps to be taken to enhance nuclear security and to prevent non-State actors from acquiring nuclear or radiological materials and sources;

(d) The international conference entitled, "Nuclear energy for all, nuclear weapons for none", convened in Tehran from 17 to 18 April 2010 addressed disarmament challenges, the obligations of States and the proliferation consequences of the continued existence of weapons of mass destruction, and practical steps toward the materialization of disarmament;

(e) On 19 April 2010, the President of the General Assembly convened a thematic debate entitled, "Disarmament and world security: challenges for the international community and the role of the United Nations", which addressed strengthening multilateral commitments regarding weapons of mass destruction and enhancing security through the regulation of arms;

(f) On 30 April 2010 the Second Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia was convened at United Nations Headquarters in New York. The Conference concluded with the adoption of an outcome document that outlines measures to strengthen the nuclear-weapon-free zone regimes, contributes to the nuclear disarmament and non-proliferation process and explores cooperation to promote the achievement of a nuclear-weapon-free world;

(g) The eighth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons convened in New York from 3 to 28 May 2010. The Review Conference concluded with the adoption of a Final Document that included a substantive review of the operation of the Treaty, based on the understanding of the President of the Conference on the matters pertaining to review and agreed conclusions and recommendations, covering the three pillars of the Treaty — nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy — as well as implementation of the 1995 NPT Resolution on the Middle East and other regional issues. The action plan on nuclear disarmament includes concrete steps for the total elimination of nuclear weapons. In particular, it sets high but realistic benchmarks for steps to be taken over the next five years and establishes processes to achieve further progress towards a world free of nuclear weapons. Agreement on specific measures to implement the 1995 NPT Resolution on the Middle East was essential to the success of the 2010 Review Conference;

(h) The international conference on problems of disarmament in Central Asia and the Caspian Sea Basin convened from 20 to 25 June 2010, where participants discussed a consolidated, coordinated and comprehensive approach to address general security issues facing the region.

9. Progress continued to be slow or stagnant, however, on other aspects of the nuclear disarmament process. The Comprehensive Nuclear-Test-Ban Treaty still lacks the ratifications required for it to enter into force. The recent ratification of the Treaty by additional States as well as the expressions of intent to ratify by two States listed in annex 2 of the Treaty, however, are welcome developments.

10. The achievement of a nuclear-weapon-free world is considered by some nuclear-weapon States to require the creation of pre-conditions to enable further progress, including achieving regional peace and stability, establishing higher

standards of confidence in compliance with nuclear non-proliferation obligations and achieving general and complete disarmament. Nuclear-weapon States have undertaken or continue to make major investments in modernizing their nuclear arsenals, their delivery systems and their related research and development infrastructure and have continued to research, develop and deploy new nuclear weapons with new military capabilities.

11. The Conference on Disarmament, during its 2009 session, was unable to implement its decision on a programme of work (CD/1864), adopted on 29 May 2009, and the Conference has not been able to start work on the basis of an agreed programme of work during its 2010 session. In his statement to the opening meeting of the 2010 session of the Conference, the Secretary-General urged the members of the Conference to put aside differences and focus on the global interest, in particular, the compelling need for binding legal norms and the vital role of the Conference in building them. The inability of the Conference on Disarmament to begin substantive negotiations on the basis of an agreed programme of work has led Member States to increasingly question the relevance of the Conference as the sole multilateral forum for the negotiation of disarmament agreements and to look towards other forums to advance disarmament objectives. In the agreed action plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, States parties invited the Secretary-General to convene a high-level meeting in September 2010 in support of the work of the Conference on Disarmament.

12. The Disarmament Commission, convening in April 2010 for the second part of its three-year cycle, continued its deliberations on two of its agenda items: recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons; and elements of a draft declaration of the 2010s as the fourth disarmament decade, as mandated by the General Assembly. The Commission will need to conclude its deliberations of all items on its agenda, which also includes practical confidence-building measures in the field of conventional weapons, during its 2011 substantive session.

13. The Secretary-General and the High Representative for Disarmament Affairs have continued their efforts to promote nuclear disarmament and non-proliferation globally through direct interaction with Governments, civil society and parliamentarians, advocacy and other outreach activities, authoring articles, editorials and letters. In his remarks to the informal session of the General Assembly on 11 January 2010, the Secretary-General declared progress towards a nuclear-weapon-free world as one of his seven strategic priorities for 2010. On 8 December 2009, the Secretary-General presented an action plan for nuclear disarmament and nuclear non-proliferation, which elaborated upon his five-point proposal for nuclear disarmament.

III. Information received from Governments

14. By a note verbale dated 26 February 2010, all Member States were invited to inform the Secretary-General by 31 May 2010 of the efforts and measures they had taken with regard to the implementation of resolution 64/55, concerning the follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*. To date, Burkina Faso, Cuba, Japan, Qatar and Serbia have sent replies, the texts of which are reproduced below. Additional replies received from Member States will be issued as addendums to the present report.

Burkina Faso

[Original: French]
[14 June 2010]

1. Burkina Faso has ratified the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty.

2. Burkina Faso has acceded to the Treaty of Pelindaba, establishing an African nuclear-weapon-free zone and to the Hague International Code of Conduct against Ballistic Missile Proliferation. Accession by Burkina Faso to these important instruments reflects its firm commitment to a vision of a world without nuclear weapons.

3. Efforts by Burkina Faso to combat proliferation and to secure a comprehensive nuclear test ban are guided by the following core principles:

- To prevent threats to peace;
- To contribute to collective efforts to create a safer world and a fairer world order founded on the rules of international law;
- To advocate an end to the arms race;
- To support efforts to bring about general and complete disarmament.

4. Burkina Faso has created a national mechanism which includes:

- An atomic energy technical secretariat;
- A national authority responsible for implementation of the Comprehensive Nuclear-Test-Ban Treaty;
- A national radiation protection and nuclear safety body.

5. Burkina Faso has always supported the right of all countries to make use of nuclear energy for peaceful civilian purposes in the context of their socio-economic development. At the same time, it is opposed to the development of nuclear programmes for military purposes and to attempts to acquire weapons of mass destruction.

Cuba

[Original: Spanish]
[14 May 2010]

1. Nuclear non-proliferation, while important, is not an end in itself but rather a means of achieving the ultimate, supreme goal of the total elimination of nuclear weapons. The total elimination of nuclear weapons is the only sure way of avoiding the catastrophic consequences of their use.

2. Under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, the nuclear-weapon States, like other parties to the Treaty, are obliged to pursue negotiations with a view to nuclear disarmament.

3. At present, there are some 23,300 nuclear weapons, 12,000 of which are ready for immediate use. The very existence of such weapons and of so-called doctrines of nuclear deterrence produces a global climate of instability and insecurity. The only

way to prevent future nuclear catastrophes is to completely eliminate and permanently ban nuclear weapons.

4. The advisory opinion of the International Court of Justice of 8 July 1996 on the Legality of the Threat or Use of Nuclear Weapons is unquestionably an historic document in the nuclear weapons sphere and constitutes an important legal precedent which requires appropriate follow-up.

5. Paragraph E of the advisory opinion states that: "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law".

6. The advisory opinion makes it clear that the nuclear-weapon States have a legal obligation not just to pursue but also to conclude in good faith negotiations aimed at achieving complete nuclear disarmament under a strict and effective system of international control.

7. Cuba sees the commitments regarding the reduction of strategic nuclear weapons made by the Governments of the Russian Federation and the United States in April 2010 as a positive sign and believes that these commitments should be made irreversible and internationally verifiable through the signing of a legally binding instrument. It also considers that such commitments should not promote a generalized sense of complacency or divert attention away from our ultimate goal of nuclear disarmament.

8. In that connection, we regret the lack of real progress towards fulfilling the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament and the fact that, since the 2000 Review Conference, there have been serious setbacks to the implementation of that commitment.

9. The States parties to the Treaty should make a firm commitment to the implementation of all of its provisions and of the 13 practical steps for systematic and progressive efforts to implement Article VI of the Treaty, particularly an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

10. Historically, Cuba has supported the establishment of an ad hoc committee on nuclear disarmament within the Conference on Disarmament. As a member of the Movement of Non-Aligned Countries, Cuba has called for the achievement of that objective and, in that connection, for the immediate commencement of negotiations on a phased programme for the total elimination of nuclear weapons within a specific time frame, including a convention on nuclear weapons.

11. Cuba is prepared to undertake this exercise and is of the view that the inflexible position of some nuclear Powers is continuing to prevent the Conference on Disarmament from establishing an ad hoc committee on nuclear disarmament.

12. Likewise, Cuba is in favour of beginning negotiations within the Conference on Disarmament on a non-discriminatory, multilateral and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Cuba is of the opinion that this treaty should represent a new step towards achieving the objective of the total elimination of nuclear weapons and, accordingly, that it must contain both non-proliferation and nuclear disarmament measures.

13. Cuba supports the establishment within the Conference on Disarmament of an ad hoc committee mandated with negotiating a treaty similar to that described in the preceding paragraph, in the context of the adoption of a programme of work for the Conference which accurately reflects the legitimate interests and priorities of all its member countries.

14. Pending the total elimination of nuclear weapons, a legally binding international instrument must be concluded, as a matter of priority, whereby nuclear-weapon States commit not to use or threaten to use such weapons against non-nuclear-weapon States. The Conference on Disarmament would be an appropriate forum for the negotiation and adoption of such an instrument.

15. Cuba is a State party to the Non-Proliferation Treaty and to the international treaties on the prohibition of chemical and biological weapons. Year after year in the United Nations General Assembly, Cuba has supported many resolutions which, directly or indirectly, call for compliance with the objective of nuclear disarmament.

Japan

[Original: English]
[27 May 2010]

I. Commitment to the three non-nuclear principles

1. The Government of Japan continues to firmly commit itself to the "three non-nuclear principles", which describe the policy of not possessing, not producing and not permitting the introduction of nuclear weapons into Japan. Successive Cabinets of Japan, including the incumbent cabinet under Prime Minister Yukio Hatoyama, have repeatedly articulated that Japan will continue to uphold these principles.

II. Submission of resolutions on nuclear disarmament to the United Nations General Assembly

2. Every year since 1994, the Government of Japan has submitted its resolutions on nuclear disarmament to the United Nations General Assembly.

3. In 2009, taking into consideration the recent international situation surrounding nuclear disarmament and non-proliferation, Japan once again submitted its draft resolution on nuclear disarmament to the United Nations General Assembly. On 2 December 2009, the draft resolution was adopted at the plenary session of the United Nations General Assembly by an overwhelming majority of 171 votes in favour.

4. Although the situation surrounding nuclear disarmament remains challenging, in response to the political will of a large majority of the international community, which was expressed through the adoption of this resolution, Japan intends to pursue its various diplomatic efforts to maintain and reinforce the international disarmament and non-proliferation regime based on the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

III. Efforts for the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty

5. Japan attaches great importance to the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which constitutes one of the major pillars of the NPT regime. Japan's initiative to promote the entry into force of the CTBT was introduced by Foreign Minister Katsuya Okada at the Sixth Conference on Facilitating the Entry into Force of the CTBT in September 2009, to intensify Japan's efforts to engage with Annex II States that have not yet signed or ratified the treaty by taking every opportunity, including meetings between heads of States to accelerate our efforts to advance the establishment of the International Monitoring System (IMS) and to cooperate with States concerned in the area of maintenance of International Monitoring System facilities. In accordance with the initiative, Japan has made various efforts, including the following:

6. Prime Minister Hatoyama, when he visited India in December 2009, raised and discussed the CTBT issue with his Indian counterpart and as a result the Joint Statement by both Prime Ministers issued afterwards included a reference to the CTBT.

7. To promote the early ratification by the Annex II States as well as to promote the establishment of the IMS, in March 2010, the Government of Japan invited government officials from two non-ratification States to visit facilities of the IMS hosted by Japan and to exchange views on the treaty with relevant Japanese authorities.

8. As its technical assistance to developing countries in supporting the development of the IMS, from January to March 2010, Japan invited 11 administrative officers from various countries, who are expected to play a role in a global seismological network for nuclear tests, to attend its global seismological observation training course in order to have opportunities to acquire knowledge and advanced techniques of global seismological observation.

IV. Activities in preparation for the commencement of fissile material cut-off treaty negotiations

9. The Government of Japan gives emphasis to the importance and urgency of the commencement of negotiations on a fissile material cut-off treaty. Japan has been making its utmost efforts to break the current stalemate at the Conference on Disarmament, thereby realizing the early commencement of negotiations on a fissile material cut-off treaty. Japan contributed at the Conference on Disarmament together with other countries to the adoption of the programme of work in May 2009 that included the decision to negotiate a fissile material cut-off treaty. In August 2009, Japan hosted a seminar on a fissile material cut-off treaty in Geneva, together with the United Nations Institute for Disarmament Research (UNIDIR), inviting experts from the International Panel on Fissile Materials and Verification Research, Training and Information Centre (VERTIC). In September 2009, Japan together with Canada and the Netherlands, submitted to the Conference on Disarmament as an official document the document prepared by the International Panel on Fissile Materials entitled "A treaty banning the production of fissile materials for nuclear weapons or other nuclear explosive devices, with article-by-article explanations" in

order to provide the Member States of the Conference on Disarmament with useful reference material in the prospective negotiations of a fissile material cut-off treaty.

10. It is regrettable that, since the adoption of a programme of work in 2009, the actual negotiations have yet to start. Japan appealed to relevant States of the Conference on Disarmament members to agree to commence negotiations on a fissile material cut-off treaty without delay on a number of occasions, including at the foreign ministerial level. In October 2009, Minister for Foreign Affairs Okada visited Pakistan and discussed with his counterpart on possible cooperation for the early commencement of negotiations on a fissile material cut-off treaty.

V. Contribution to the 2010 NPT review process

11. On March 23, the Government of Japan and the Government of Australia submitted a new package of practical nuclear disarmament and non-proliferation measures for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to the office of the United Nations Secretary-General as a working paper for the 2010 NPT Review Conference.

12. This package was confirmed by the Ministers for Foreign Affairs of both countries as a follow-up item in the Joint Statement by the Ministers for Foreign Affairs of Australia and Japan released at the Ministers' meeting (held in Perth, Australia), entitled "Toward a world without nuclear weapons". The package is the result of serious considerations of both Governments while referencing the report of the International Commission on Nuclear Non-proliferation and Disarmament.

13. The International Commission on Nuclear Non-proliferation and Disarmament was launched in September 2008 as a joint initiative between the Governments of Japan and Australia and as an independent enterprise involving various eminent individuals, and published a report in December 2009 with action-oriented recommendations and agendas, including "A New International Consensus on Action for Nuclear Disarmament", which has been submitted to the 2010 NPT Review Conference for its reference.

VI. Cooperation for denuclearization in Russia

14. At the Kananaskis summit in June 2002, Group of Eight (G8) leaders announced the G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction to address non-proliferation, disarmament, counter-terrorism and nuclear safety issues. The Government of Japan committed itself, for the purpose of this Partnership, to a contribution amounting to over 200 million United States dollars, out of which $100 million is to be allocated to the G-8 disposition programme of Russian surplus weapons-grade plutonium and the rest to projects for dismantling decommissioned Russian nuclear submarines. Since then Japan has extended cooperation to Russia and completed the dismantlement of six decommissioned nuclear submarines. Furthermore, based on the decision in 2006, Japan's preparation has been made for cooperation for the construction of an on-shore storage facility for reactor compartments at Razboynik Bay.

15. Building on the dismantlement of six decommissioned nuclear submarines in the Russian far east by the end of 2009, Japan is considering additional areas for bilateral cooperation.

VII. Efforts to promote disarmament and non-proliferation education

16. Since 1983, Japan has invited more than 700 participants in the United Nations disarmament fellowship programme to Japan, including the cities of Hiroshima and Nagasaki. This has provided these young officials, who will be responsible for future disarmament diplomacy, with an opportunity to witness the horrendous and long-lasting consequences caused by atomic bombs. Japan will continue to contribute to this programme.

17. Japan believes that the international community should be well informed of the destructive effects of nuclear weapons. In accordance with the wish of the people of Japan that such weapons never be used again, the Government of Japan has supported, on a number of occasions, the efforts of local governments and NGOs in foreign countries to organize exhibitions relating to atomic bombs.

18. In the margins of the third session of the Preparatory Committee for the 2010 NPT Review Conference in 2009, Japan hosted a disarmament and non-proliferation education seminar on practical ways and tools to raise public awareness through education and its role in strengthening the NPT. The picture book related to the experience of the atomic bombing, On That Summer Day, was distributed to participants at the conference.

19. Within the United Nations Conference on Disarmament in Niigata, Japan, a session on the role of civil society and mass media was held with prominent educators in August 2009.

20. Japan submitted a joint working paper with the United Nations University, entitled "Promoting cooperation with civil society towards a world without nuclear weapons" for the 2010 NPT Review Conference, including proposals such as holding a global forum on disarmament and non-proliferation education that brings together civil society and Governments and employing modern technologies to digitally record Hibakusha's testimonies and to disseminate them to future generations. Japan also delivered a joint statement on disarmament and non-proliferation education on behalf of 42 countries at the 2010 NPT Review Conference Main Committee I.

21. Japan hosted a reception and concert together with the Office for Disarmament Affairs of the United Nations on 3 May 2010, the first day of the 2010 NPT Review Conference, in honour of the Hibakusha (people who survived the 1945 atomic bombings of Japan) and their work with young people to raise awareness of the dangers of nuclear weapons.

Qatar

[Original: English]
[7 April 2010]

1. The State of Qatar is among the countries that adopted General Assembly resolution 64/55 on 2 December 2009. It also joined the Treaty on the Non-Proliferation of Nuclear Weapons as well as the Comprehensive Nuclear-Test-Ban. Similarly, the State of Qatar is against the use or threat of use of nuclear weapons, and urges nuclear countries to start negotiations with a view to reaching the goal of nuclear disarmament.

2. The State of Qatar strongly supports the efforts geared towards making the Middle East a region free of weapons of mass destruction.

Serbia

[Original: English]
[31 May 2010]

1. The Republic of Serbia has acceded to all major international instruments relating to nuclear non-proliferation and nuclear disarmament, including the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Comprehensive Nuclear-Test-Ban Treaty (CTBT). It is in strict compliance with all its relevant international obligations and consistently implements its policy on the non-proliferation and prohibition of the development, production, testing, stockpiling and the use of all kinds of weapons of mass destruction. An important role in this process is played by an effective implementation of foreign trade control measures under the Law on Foreign Trade in Weapons, Military Equipment and Dual-Use Goods.

2. Bearing in mind the conclusion of the International Court of Justice regarding the existence of an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control, Serbia has strongly supported all efforts in the field of nuclear disarmament. It has also supported all relevant activities of the United Nations and other international actors aimed at strengthening the international nuclear non-proliferation regime to ensure its effective implementation. Accordingly, Serbia is fully committed to a consistent implementation of its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and has taken, at the national level, comprehensive measures for the implementation of this Treaty.

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I. Introduction

1. On 11 December 2008, the General Assembly adopted resolution 63/125, entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". In paragraph 11 of the resolution, the Assembly requested the Secretary-General to submit to it at its sixty-fifth session a report on the status of the Additional Protocols of 1977 and on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross (ICRC).

2. Pursuant to that request, the Secretary-General, by notes verbales dated 31 December 2008 and 9 April 2010 and letters dated 16 December 2008 and 24 March 2010, invited Member States and ICRC to transmit to him, by 1 June 2010, the information requested in paragraph 11 of General Assembly resolution 63/125 for inclusion in the present report.

3. In response to the request of the Secretary-General, replies have been received from Cuba, Cyprus, the Czech Republic, Denmark, El Salvador, Germany, Iraq, Ireland, Lithuania, the Republic of Moldova, Qatar, Romania, the Russian Federation, Spain, Switzerland, Tajikistan and Yemen, as well as from ICRC. Extracts of the replies are contained in sections II and III of the present report. The full texts of the replies are available on the website of the Sixth Committee of the General Assembly (see http://www.un.org/ga/sixth).

4. The list of all States that are parties to the Protocols[1] Additional to the Geneva Conventions of 1949,[2] as at 2 June 2010, is contained in the annex to the present report.

II. Information received from Member States

Cuba

[Original: Spanish]
[27 May 2010]

Cuba has incorporated all the requisite guarantees in its domestic law to ensure strict compliance with those instruments, especially the rules relating to the protection of civilians.

The Centre for Studies in International Humanitarian Law was established in Cuba more than 15 years ago. With the assistance of ICRC, the Centre makes a significant contribution to the dissemination, teaching and development of international humanitarian law and to the leadership of the Revolutionary Armed Forces, the Ministry of the Interior, State bodies and agencies. Cuba has thus been able to include international humanitarian law in the curricula of the national education system. It has also contributed to the dissemination and teaching of international humanitarian law to foreign students in Cuba as well as professionals from Central America and the Caribbean.

[1] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.
[2] Ibid., vol. 75, Nos. 970-973.

The Centre offers, inter alia, basic courses for instructors, postgraduates and degree holders, as well as workshops and lectures. It is involved in various national and international events, promoting an active exchange of up-to-date information on international humanitarian law. The Centre has a documentation and information centre, which is visited by officials and experts in the field, and organizes meetings for military attachés accredited to Cuba.

The Cuban Red Cross Society, the National Union of Jurists, universities and schools of the Revolutionary Armed Forces, Ministry of the Interior and Ministry of Public Health are also involved in the dissemination and teaching of international humanitarian law.

Cuba reaffirms its readiness to provide further assistance to ICRC and Red Cross societies of different countries in their noble task of spreading knowledge of international humanitarian law in Cuban society and in other countries.

Cyprus

[Original: English]
[26 May 2010]

Within the framework of continuous training, military personnel is educated regarding the Geneva Conventions and their Additional Protocols, the Hague Conventions and on international law on armed conflict, the peaceful settlement of international conflicts, sanctions against war crimes or crimes against humanity and the protection of property. International humanitarian law and laws of war are taught at the military academies and at the military institutions of foreign countries, within which Cypriot personnel is enrolled. This information is provided through appropriate training programmes, seminars and lectures, which are conducted by the National Guard for all military personnel.

Regarding the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, signed by Cyprus in 2008, the Government initiated the legal procedure for its ratification, which will be completed in the coming months. As regards the other protocols, Cyprus has ratified various legal instruments.

Cyprus declares that it recognizes ipso facto and without special agreement, in relation to any other high contracting party accepting the same obligation, the competence of the International Humanitarian Fact-Finding Commission to enquire into allegations by any other such Party, as authorized by article 90 of Additional Protocol I to the Geneva Conventions.

The Additional Protocol to the Geneva Convention of 12 August 1949 relating to the Adoption of an Additional Distinctive Emblem (Protocol III) Geneva, 8 December 2005, was ratified by Cyprus in 2007.

Czech Republic

[Original: English]
[6 October 2008 and 18 May 2010]

The Czech Republic is a party to all fundamental international humanitarian law instruments.

The Czech Republic has to respect all the international humanitarian law principles, which may be derived either from the relevant treaties (Additional Protocols to the Geneva Conventions of 1949) or the customary international law.

Additional Protocol III was duly ratified and became binding on the Czech Republic on 23 November 2007.

The Czech Republic made the declaration provided for under article 90 of Protocol I to the Geneva Conventions, thus recognizing the competence of the International Humanitarian Fact-Finding Commission.

Since 2007, the Czech Republic has been bound by the Second Protocol (1999) to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

Since 2006, the Czech Republic has been bound by Protocol V on Explosive Remnants of War to the 1980 Convention on Certain Conventional Weapons.

Since the armed forces of the Czech Republic switched from a conscript to a purely professional system in 2005, changes in all relevant military doctrines, manuals and guidelines are still under way.

The key legal and policy documents of the Czech Republic contain several explicit references or safeguards concerning implementation of international humanitarian law: the constitution, the military strategy, the act on the professional military and the doctrine of the armed forces. Czech law also imposes the above-mentioned obligation on policemen, fire fighters and prison guards. The grave breaches under article 3 common to the Geneva Conventions of 1949 and Additional Protocol I have been implemented into the Czech criminal code as crimes.

The Ministry of Foreign Affairs has established, on an informal basis, an inter-ministerial commission on international humanitarian law.

International humanitarian law has been included in concrete training programmes. In 2008, a manual for the instructors of international humanitarian law training was issued, based on the concept of the ICRC publication *Fight it Right*, adapted to Czech conditions; a seminar was also organized. In 2007, a manual for the commanders summarizing the essentials of international humanitarian law was issued.

The academic military education is centralized within the Defense University in Vyskov. The University provides appropriate education, including mandatory courses on international humanitarian law, to all prospective commanders.

Compliance with international humanitarian law within the military is promoted by military legal advisers. A special handbook on operational law, being prepared by the general staff of the armed forces, will be issued shortly.

One of the most important aspects of the dissemination of international humanitarian law is the predeployment training of the Czech armed forces.

Information about the "red crystal" emblem is included in educational curricula.

The Ministry of Defence has recently launched a specialized Intranet site dedicated to international humanitarian law.

Outside the military, international humanitarian law constitutes an integral part of curriculum at all law schools. The Charles University Law School in Prague cooperates with ICRC in the teaching of international humanitarian law.

Two comprehensive textbooks on international humanitarian law are available for individuals wishing to deepen their knowledge on this subject.

In 2009, the Czech Republic initiated a discussion on a more systematic approach to the implementation of the European Union Guidelines on Promoting Compliance with international humanitarian law. A meeting of experts on the implementation of the guidelines took place in 2009. The conclusions from the expert meeting are currently being put into practice by the working groups of the Council of the European Union for international law and of the Council of the European Union for human rights.

In 2009, under the auspices of the Ministry of Foreign Affairs, the Czech Red Cross and the Law School of the Charles University organized a workshop on the occasion of the sixtieth anniversary of the Geneva Conventions.

Denmark

[Original: English]
[28 May 2010]

The Conventions and Additional Protocols as well as other aspects of international humanitarian law have been integrated into Danish law. The most recent change was the 2005 reform of the Military Penal Code and Military Administration of Justice Act, which entered into force on 1 January 2006. The reform separated the competences of the Military Prosecution Service and military commanders and introduced a decriminalization of certain military offences.

The Military Prosecution Service is also responsible for the legal training of Danish military legal advisers in the field of international humanitarian law.

The Special International Crimes Office, established in 2002, investigates and prosecutes serious crimes committed abroad by persons residing in Denmark. Serious crimes include war crimes, genocide, crimes against humanity, terrorism and torture. The Danish Penal Code has also been amended to provide the Danish courts with jurisdiction over conventional crimes committed abroad.

In 1982 the Danish Government's Red Cross Committee was established. The Committee has an advisory and coordinating function with regard to the implementation of international humanitarian law.

El Salvador

[Original: Spanish]
[1 June 2010]

In the 12 years since its creation, the Inter-agency Committee on International Humanitarian Law has helped to strengthen the State's institutional capacity in this field and has promoted understanding and adoption of humanitarian principles and values among the population.

The goal of the Committee is to regulate the obligations of the Government of El Salvador to safeguard the rights of persons in armed conflicts, whether international or not.

The Committee has made arduous and unflagging efforts over these past 12 years and has concentrated on three main areas, namely:

- Ratification of international instruments and the adaptation of domestic legislation;
- Dissemination and teaching of aspects of international humanitarian law;
- Adoption of measures in order to comply with the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

El Salvador is a party to international instruments that embody the principles of international humanitarian law.

One of the Committee's most important achievements was the ratification of the 1954 Hague Convention and its two Protocols in 2001. Thirty-eight cultural properties have been marked with the protective "Blue Shield" emblem.

Germany

[Original: English]
[9 January 2009 and 27 May 2010]

Germany has been a party to the Geneva Conventions of 12 August 1949 since 1954 and to Protocols I and II to the Conventions since 1991. Germany has made a declaration pursuant to article 90 of Protocol I recognizing the competence of the International Humanitarian Fact-Finding Commission. Germany ratified the Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Adoption of an Additional Distinctive Emblem (Protocol III) in 2008. In 2009 Germany ratified the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.

An expert group, comprising representatives of the Federal Foreign Office, the Ministry of the Interior, the Ministry of Defence, the Ministry of Justice and the German Red Cross, as well as law professors specialized in international humanitarian law, advises the Government on matters relating to the implementation, development and dissemination of international humanitarian law.

The Federal Ministry of Defence is responsible for the implementation of the international humanitarian law norms within the German armed forces. Instruction in international humanitarian law and in other international regulations, agreements and commitments constitutes part of the training programmes for all military

personnel. Soldiers and civilian employees at all command levels have access to the pertinent international treaties. Units selected for operations abroad receive extra training.

Legislative measures concerning the implementation of the Rome Statute of the International Criminal Court were incorporated into German domestic law in 2002.

Germany has adopted a special penal code of crimes against international law that penalizes crimes in domestic law, such as genocide, crimes against humanity and war crimes, which would fall within the jurisdiction of the International Criminal Court or would be punishable under customary international law.

Germany has shared its experience with other nations concerning the question of implementation of the Rome Statute.

Germany also continues to support and cooperate with the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and supports the Special Court for Sierra Leone.

Germany supports the Special Tribunal for Lebanon established in accordance with Security Council resolution 1757 (2007) as well as the Extraordinary Chambers in the Court System of Cambodia.

As State party to the Ottawa Convention, Germany does not produce or export anti-personnel landmines. It has also signed and implemented a number of international agreements regarding small arms and light weapons. In the framework of the Organization for Security and Cooperation in Europe, Germany has introduced, together with Norway and the Netherlands, principles on brokering of small arms and light weapons that were adopted in December 2004.

Regarding a final document extending the scope of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its annexed protocols to armed conflicts not of an international character, Germany deposited the instrument of acceptance with the Secretary-General in 2005. The amendment entered into force in 2005. Germany deposited its instrument of ratification of Protocol V to the Convention on Explosive Remnants of War with the Secretary-General in 2005.

Germany ratified the Convention on Cluster Munitions in 2009. The Convention will enter into force on 1 August 2010. In 2008, Germany unilaterally renounced, with immediate effect, the use of all types of cluster munitions. It will destroy its remaining stocks as fast as possible.

In 2007, the German Federal Foreign Office, the German Federal Ministry of Defence and the German Red Cross published and broadly distributed a collection of documents on international humanitarian law.

Iraq

[Original: Arabic]
[10 May 2010]

Iraq acceded to the first Additional Protocol in 2001.

A working agreement was concluded with ICRC that empowered the Committee to carry out its mandate, in accordance with the 1949 Geneva Conventions and its Additional Protocols, to follow up the humanitarian file relating to prisoners, missing persons and the remains of war victims through a number of committees that were established by the Tripartite Commission constituted in 1991.

Two committees were established concerning relations with the Islamic Republic of Iran, namely, the Prisoners and Missing Persons Committee, a joint committee between the two countries, and another joint technical committee that seeks the remains of war victims. Those committees operated until 2003, after which two memorandums of understanding were concluded. The first, signed in 2008 by Iraq and ICRC, concerned follow-up to the Iraqi and Iranian prisoners file. The second, concluded by Iraq, the Islamic Republic of Iran and ICRC, signed in Geneva in 2008, concerned oversight of the work of the subcommittees.

Iraq deposited its instrument of accession to Protocol I in 2010. That Protocol will enter into force six months from the date of deposit, on 1 October 2010. The Government will consider measures with regard to the declaration provided for under article 90 once the Protocol has entered into force.

Ireland

[Original: English]
[24 May 2010]

Ireland established a national committee on international law in 2008. The committee is chaired by an official of the Department of Foreign Affairs. Representatives of the Departments of Foreign Affairs, Defence, Justice and Education, the Attorney General's Office, the Defence Forces, the Irish Red Cross and Irish Aid are invited to participate in its meetings. The committee has met regularly since its establishment. The purposes of the national committee are to assist the Government in the implementation and promotion of international humanitarian law and to prepare for regular international conferences of the Red Cross and the Red Crescent.

Ireland was one of a small core group of States that promoted the development of a new international humanitarian law instrument on cluster munitions, a major international initiative that culminated in the negotiation and adoption by consensus of the Convention on Cluster Munitions at a diplomatic conference hosted by the Government of Ireland in Dublin in 2008. Ireland ratified the Convention in 2008 and it will enter into force 1 August 2010.

Lithuania

[Original: English]
[29 June 2009 and 1 June 2010]

The Vienna Convention on the Law of Treaties establishes the prevailing character of international treaties over national laws in case of inconsistency. These provisions ensure the most favourable conditions for the implementation of international humanitarian laws. Lithuania is a State party to all major international humanitarian law instruments.

The Ministry of National Defence is responsible for the coordination of the implementation of international humanitarian laws. The national Commission on the Implementation of International Humanitarian Laws was established in 2001. It is the inter-ministerial coordinating body composed of representatives from the national defence system, the Ministries of Justice, Foreign Affairs, Health, Culture, Education and Science and the Interior, the European Law Department, under the Ministry of Justice, the Lithuanian Red Cross Society and leading universities.

Lithuania is a State party to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects as well as to all its Protocols and amended article 1. From 2006 Lithuania chaired several meetings on the Convention and served as a coordinator for different programmes. In 2008, Lithuania was appointed to coordinate clearance issues with regard to the Convention in 2009.

Seeking to implement provisions of the Protocol V of the Convention on Certain Conventional Weapons, a programme for the clearance and prevention of explosive remnants of war for 2007-2018 was approved by the Government in 2007. By the end of 2009, over 34 hectares of polluted territories had been checked and over 2,600 pieces of explosives had been identified.

Within the framework of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine-Ban Treaty), at the Cartagena Summit on a Mine Free World in 2009, Lithuania was appointed as the co-rapporteur of the Standing Committee for Stockpile Destruction.

Lithuania signed the Convention on Cluster Munitions in 2008. It is expected that the Convention will be ratified by the end of 2010.

Lithuania ratified Additional Protocol III to the Geneva Conventions in 2007. Subsequently all necessary amendments of related national legislation were adopted. In 2009, nearly 20 warnings were issued owing to the illegal use of the Red Cross emblem. The Lithuanian Red Cross Society also continues to spread information about the functions and proper use of the distinctive signs.

Lithuania is a State party to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols.

The national concept of military legal advisers was approved in 2006. It determines status of legal advisers in the armed forces, their functions, liability, rotations in military operations and training issues.

The Commission collects information regarding education and advises on the inclusion of subjects related to international humanitarian law in educational programmes. The subject of international humanitarian law is included in education programmes for all levels of military personnel as well as in the curriculum of education of police personnel and in secondary schools. International humanitarian law is an optional course at faculties of law.

The Commission has its website page within the website of the Ministry of National Defence.

In 2010 a working group was established to evaluate and to improve educational and training programmes on international humanitarian law in the national defence system. A handbook for commanders on principles and rules of international humanitarian law is under the final stages of preparation.

The Lithuanian Red Cross Society is actively involved in the dissemination of international humanitarian law within society. The Society continually introduces fundamental principles of the International Red Cross and Red Crescent Movement to society, disseminates knowledge about international humanitarian law, encourages humanitarian initiatives and protects the three emblems of ICRC. In 2009, the Society organized an essay competition for pupils and set up the Baltic Summer Academy on Contemporary Issues of International Humanitarian Law. In the same year, lectures and seminars on related issues were organized in universities, colleges, schools and other institutions.

The Lithuanian Criminal Code, the Administrative Offences Code and the Statute on Military Discipline all contain provisions, imposing criminal, administrative and/or disciplinary liability for the breach of the rules of international humanitarian law.

The Rome Statute of the International Criminal Court was fully implemented after its ratification in 2003, and the Agreement on the Privileges and Immunities of the Court was implemented in 2004.

Republic of Moldova

[Original: English]
[26 May 2010]

The Republic of Moldova joined the Additional Protocols I and II to the Geneva Conventions in 1993. In 2008, the Republic of Moldova ratified Additional Protocol III. In 2000, the Republic of Moldova ratified the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and Additional Protocols I to V of the Geneva Convention. In 2001 the Republic of Moldova ratified the Convention relating to the Status of Refugees.

In 2001, the Red Cross Society was established in the Republic of Moldova. The Society represents a voluntary public association which, in cooperation with the public authorities, carries out auxiliary functions in the humanitarian field based on the Geneva Conventions, including the Additional Protocols.

In 2000, the Republic of Moldova ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

In 1999, the Republic of Moldova approved the rules of the national committee to consult and coordinate on the implementation and, in particular, to assure conformity in the application of, international humanitarian law.

The Convention on Cluster Munitions was ratified in 2009.

The regulation regarding the implementation of the armed conflict norms in the national army was approved in 2006.

In 2007, with the support of ICRC, a centre for international humanitarian law and a class for its study were opened at the Peacekeeping Centre of the National Army.

A cooperation plan between the National Army and ICRC regarding international humanitarian law is elaborated annually. Military personnel have taken part in the armed conflict law course (Moscow) and in the international humanitarian law course (Turkey). The team of the Military Institute annually takes part in the competitions in the field of international humanitarian law implementation. The officers have participated in various conferences, round tables and seminars organized by ICRC.

Qatar

[Original: Arabic]
[13 April 2009]

Qatar is party to the four 1949 Geneva Conventions and the two Additional Protocols thereto.

Many officers of the Qatari Armed Forces have taken part in specialized regional and international training courses on international humanitarian law, including instructor training in a number of States, most notably Italy, Switzerland, Turkey, Egypt and Lebanon.

In 2009, an international humanitarian law instructor training course for 20 officers of various ranks was held at the headquarters of the Department of Legal Affairs of the Qatari Armed Forces. The course was held in cooperation with ICRC.

Material on international humanitarian law has been integrated into most of the training courses for officers and regular army personnel alike.

There has also been coordination with ICRC with regard to the development of curricula for the teaching of international humanitarian law at the Ahmed bin Mohammed Military College and the Armed Forces Academy in 2008. The Department of Legal Affairs has begun developing curricula for all basic military courses for officers, non-commissioned officers and regular army personnel. Those curricula are expected to be ready by the end of 2009.

In 2009, the Qatari Armed Forces formed a committee on international humanitarian law. It is responsible for disseminating a culture and awareness of international humanitarian law among members of the armed forces, providing

facilities for that purpose, coordinating with relevant regional and international associations and organizations and following up implementation of international humanitarian law within the armed forces.

A publication entitled "Overview of the Law of Armed Conflict" has been issued by the Government, and a branch of the library of the Department of Legal Affairs has been set aside for books and pamphlets on international humanitarian law.

Many officers have taken part in workshops held by Qatari civil society organizations and have prepared studies, in particular, on the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict. The Qatari armed forces is in the process of incorporating material on the rights of the child into the curricula of the Military College and the Armed Forces Academy.

In 2008, the Ministry held an introductory course on international humanitarian law through the Centre for Legal and Judicial Studies in cooperation with the Qatar Red Crescent Society and ICRC; more than 100 lawyers from various ministries, agencies and institutions took part.

In 2009, the Centre for Legal and Judicial Studies held a lecture on "Aggression against Gaza in the light of international humanitarian law", which was attended by a large number of prominent specialists. In 2009, the Centre plans to hold a joint seminar with the Qatar Red Crescent Society on the role of the International Court of Justice in implementing international humanitarian law.

The Qatar Red Crescent Society took part in the preparatory advisory meeting for the first conference of humanitarian organizations of the member States of the Organization of the Islamic Conference (OIC), which was organized by OIC and the Qatari Charitable Works Agency.

The Qatar Red Crescent Society held seminars on the humanitarian implications and political dimensions of the siege of Gaza and on religion and the media in humanitarian activities.

The Qatar Red Crescent Society took part in a training course on international humanitarian law held by the Saudi Red Crescent Society and the Arab Red Crescent and Red Cross Organization.

In 2008, a training course was held for the Qatar Red Crescent Society and human rights volunteers.

In 2008, a Gulf-Asia conference on reuniting separated families was held jointly by the Society and ICRC.

In 2008, a seminar on the humanitarian implications and political dimensions of the Darfur crisis was held jointly by the Society and the British Embassy in Qatar.

Romania

[Original: English]
[1 October 2008]

Romania is a party to most international humanitarian law treaties.

Romania has withdrawn its reservations to the Geneva Conventions and recognized the competence of the Fact-Finding Commission.

Romania has ratified the Rome Statute of the International Criminal Court and included in its penal code provisions punishing the breaches of the 1949 Geneva Conventions and the provisions in Additional Protocol I. The provisions and principles in Additional Protocol I regarding the fundamental guarantees are also part of the national legislation.

In 1995, the Act on the national Red Cross Society of Romania was adopted.

In order to comply with the provisions of Additional Protocol I regarding the remains of deceased, Romania concluded bilateral agreements with several States, including the Russian Federation and Germany.

In 2007, the Romanian National Committee on International Humanitarian Law was established. It includes representatives of the Ministries of Foreign Affairs, Defence, Justice, Home Affairs and Administration Reform, Public Health, Education, Research and Youth. The committee is an advisory body of the Government and it is the responsible organ for the implementation of international humanitarian law.

The purpose of the Romanian National Strategy on the implementation of international humanitarian law is to ensure awareness and compliance with the obligations that Romania must fulfil under its ratification of international treaties in the field of international humanitarian law, as well as through the dissemination of international humanitarian law relevant provisions within civil society.

Special training of legal advisers on the application of the Geneva Conventions Additional Protocols I and II and on the appropriate instructions on international humanitarian law will be given to armed forces personnel.

Legislation concerning the participation of the armed forces in joint international missions was adopted.

In 1990, within the structure of the general staff, a legal office for international humanitarian law was created with the following tasks: to coordinate the activities of dissemination and application of international humanitarian law; to instruct soldiers and volunteer non-commissioned officers to cooperate with internal, national and international governmental and non-governmental institutions with responsibilities and preoccupations in the field of international humanitarian law.

In 1993 the Centre of IHL was established. The main purpose of the Centre is to assure the adequate training of international humanitarian law instructors and of the personnel that takes part in international missions by organizing courses, seminars, round tables and training sessions. The Centre has its own newsletter, as well as its own website.

Officers/instructors in international humanitarian law were appointed to the general staff of all units of the armed forces up to the battalion level.

In 1998, the Ministry of Defence concluded a cooperation agreement with ICRC on the knowledge of the international humanitarian law norms. The agreement is the legal basis for carrying on joint activities, such as the organization of courses, seminars and practical activities for training of international humanitarian law advisers and military personnel participating in peacekeeping operations. In 2008 a course on international humanitarian law was organized at the Centre.

Romania will intensify its efforts in order to ratify Additional Protocol III to the Geneva Conventions.

Romania considers that particular attention should be paid to the challenges posed to international humanitarian law by asymmetric warfare and by the issues related to private military companies such as compliance with international humanitarian law, human rights law, customs of war, rules of engagement and post-conflict situations.

Russian Federation

[Original: Russian]
[25 May 2010]

The deployment of Russian forces during the operation to impose peace on Georgia in the territory of South Ossetia took place within the legal framework defined by Additional Protocol I relating to the protection of victims of international armed conflicts. According to assessments by ICRC and other international organizations, the actions of the Russian forces were fully consistent with the requirements of the aforementioned Protocol; the norms of international humanitarian law were observed in practice by the troops, while the leadership extended cooperation to ICRC in its performance of the functions defined by its international mandate.

A new version of the manual on international humanitarian law will be ready for approval in the second half of 2010. Three meetings of the working group, a scientific conference (2009) and a research-to-practice conference (2009) were held in the context of the work on the draft document.

The theory of international humanitarian law is part of the study programme at institutes for higher military education. Issues related to international humanitarian law are included in general and specialized military courses at the higher education establishments of the Ministry of Defence. Since 2000, courses are held to improve officers' knowledge of the law of armed conflict. In 2009, about 150 instructors were trained in international humanitarian law. In 2010, there were two groups of trainees; 57 instructors were trained.

Members of the armed forces study practical issues during regular combat training. Members of all categories of the military study international humanitarian law as part of their social and constitutional studies.

Practical issues are studied in the context of professional training for officers of military administrative bodies, and in leadership training for commissioned and non-commissioned officers.

Spain

[Original: Spanish]
[5 May 2010]

The Royal Ordinances for the Armed Forces, adopted in 2009, is a compendium of rules that comprise an ethical code governing the conduct of members of the armed forces.

The Ministry of Defence has entered a framework cooperation agreement with the Spanish Red Cross, providing for the implementation of an annual action plan that includes cooperation in the teaching of international humanitarian law by Red Cross personnel in some courses.

All members of the armed forces undergo preparation that emphasizes the precepts of international humanitarian law and includes an analysis of the customs and culture of the deployment area.

Special mention should be made of the module on the law of armed conflict in the curriculum for defence counsel, which includes both theory and practice components. That training is carried out in cooperation with the Spanish Red Cross Centre for the Study of International Humanitarian Law.

Students can attend seminars, lectures, colloquiums and courses on international humanitarian law, conducted in cooperation with the Red Cross, or courses on these subjects and others of interest in the field of national defence taught in conjunction with public universities. Every year the courses are offered and incorporate aspects of the Geneva Conventions and the Additional Protocols.

The body of regulations incorporating the rules of conduct established in the international conventions ratified by Spain and the principles of international humanitarian law is comprehensive and completely up to date. The Royal Ordinances for the Armed Forces give precedence to international humanitarian law. The framework guaranteeing that members of the armed forces will conduct themselves in accordance with international humanitarian law is constituted by article 55 of the Title on Actions of Commanders and article 56 on Serious Criminal Liability for Crimes against international humanitarian law. The Military Criminal Code also gives precedence to "crimes against the laws and customs of war", described in the Book of Crimes. Articles 69 to 78 set out penalties for violations of the principles of international humanitarian law.

Switzerland

[Original: English]
[17 May 2010]

Switzerland is a party to the three Additional Protocols to the Geneva Conventions.

In 2009 a national committee for the implementation of international humanitarian law, the "Interdepartmental Committee on International Humanitarian Law", was established.

The International Humanitarian Fact-Finding Commission was granted observer status at the General Assembly in 2009. Switzerland introduced the corresponding resolution.

Switzerland joined forces with ICRC to organize a conference of experts in Geneva entitled "60 Years of the Geneva Conventions and the Decades Ahead" in 2009. Switzerland also organized in 2009 a ministerial working session on the same topic at the United Nations in New York.

Switzerland actively participated in the work of a group of international experts who elaborated a 2010 manual on international law applicable to air and missile warfare.

Since 2009, Switzerland has run a project to develop practical resources for humanitarian actors, State actors, national authorities and international organizations on humanitarian access in situations of armed conflict. The project will result in the development of two important resources: a handbook and a field manual on humanitarian access.

Since 2009, Switzerland has been carrying out a project aimed at the elaboration of a document on the ownership of international norms by non-State armed groups. The project will result in the development of practical resources for international and non-governmental organizations, as well as State actors, who are willing to improve the compliance with international law by non-State armed groups.

In 2009 Switzerland organized the second competition on international humanitarian law for officers of the countries of the Euro-Atlantic Partnership Council/Partnership for Peace.

Switzerland signed the Convention on Cluster Munitions in December 2008. The ratification process is ongoing.

In 2008, 17 States finalized the "Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict" which is the result of an initiative launched jointly by Switzerland and ICRC in 2006. Today, 34 States support the Montreux Document. Switzerland also encourages the industry to adopt a global code of conduct.

Switzerland is taking the necessary measures to integrate the Rome Statute of the International Criminal Court in its national legislation. Since 2008, Parliament has discussed the amendments to the criminal code and the military penal code. This would involve including crimes against humanity in Swiss law and defining war crimes more precisely.

Tajikistan

[Original: Russian]
[14 October 2008]

Since 1999, the Republic has had a governmental commission on the implementation of international humanitarian law, chaired by the Deputy Prime Minister. This Commission, a permanent consultative inter-agency body, was established to coordinate the activities of ministries, State committees and

departments, local government authorities, enterprises, institutions and organizations in performing the international legal obligations of the country arising from international humanitarian law. The Commission's principal duty is to further compliance with the international humanitarian law obligations of Tajikistan.

Tajikistan collaborates actively with ICRC.

In Tajikistan, various legal instruments govern the use and protection of the emblem of the Red Cross and other emblems and insignia.

Breaches of the international humanitarian law norms either in international or in non-international conflicts are offences under the criminal law. No offences of this nature are committed in Tajikistan.

Tajikistan was represented at the 2008 Wellington Conference on Cluster Munitions and expressed its support for the Wellington Declaration adopted at the Conference.

A Centre on Mine Issues has been set up and is in operation. It is engaged in studying and analysing the issues relating to accession by Tajikistan to the Convention on Cluster Munitions. This Centre, together with the Government's Commission on the implementation of international humanitarian law, is making a significant contribution to the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, signed on 18 September 1997.

International humanitarian law is taught as an optional subject in the law departments of the leading national universities.

Yemen

[Original: Arabic]
[21 January 2009]

Yemen has ratified various agreements relating to international humanitarian law and signed the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Rome Statute of the International Criminal Court.

The Military Penal Code of 1998 contains provisions on war crimes. The law also provides for the non-applicability of statutory limitations to war crimes.

The Law of 1999 concerns the regulation and use of the emblems of the Red Cross and the Red Crescent and the prevention of their misuse.

The national committee for international humanitarian law was established in 1999.

The decree of 1970 concerned the establishment of the Red Crescent association.

Several meetings have been held with a view to introducing the goals of international humanitarian law, which is taught in faculties of sharia and law in four governorates. Lectures on international humanitarian law are given at Sana'a University and the provisions and concepts of international humanitarian law have been included in educational curricula.

In coordination with ICRC, the Yemeni Red Crescent has organized a number of courses.

ICRC has organized a workshop for Yemeni parliamentary deputies on the Rome Statute of the International Criminal Court.

In 2003, the Government signed a memorandum of understanding concerning implementation of the "Discover International Humanitarian Law" programme with ICRC. A technical committee was established forthwith for that purpose. It was agreed that the programme issues would continue to be taught in the same governorates, that the field trial would be expanded in four of them and extended to a further eight (73 per cent of all Yemeni governorates are involved in the implementation of the programme).

A course on international humanitarian law was held for professors in the faculties of sharia and law in Sana'a University. In addition, a discussion on the teaching of international humanitarian law in Yemeni universities was organized. A third meeting on the teaching of international humanitarian law in Yemeni universities was held in the University of Sana'a in 2005.

In 2006, several seminars and training courses on international humanitarian law were held.

In 2006, a Yemeni delegation attended the First Regional Seminar of Arab Diplomats on International Humanitarian Law and the Seventh Asia and Pacific Conference of the Red Cross and Red Crescent Societies, which was held in Singapore.

III. Information received from international organizations

International Committee of the Red Cross

[Original: English]
[1 June 2010]

In 2009, ICRC, together with many national societies, commemorated the sixtieth anniversary of the 1949 Geneva Conventions with conferences, workshops, photo exhibitions and other events.

In 2009, ICRC, in cooperation with the Government of Switzerland, co-organized a conference aimed at addressing the challenges to international humanitarian law and to its relevance posed by new threats, new actors and new means and methods of warfare.

In 2009, ICRC published a document entitled "Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law". The document sets out the recommendations of ICRC on how international humanitarian law relating to civilian participation in hostilities should be interpreted in contemporary armed conflicts. Since that time, ICRC has engaged in a proactive dialogue with military, governmental, non-governmental, humanitarian and academic stakeholders to explain and promote the document.

ICRC, in conjunction with the British Red Cross, has initiated a project, based at the Lauterpacht Centre for International Law at Cambridge University, to update

the practice underlying the ICRC Study on Customary International Humanitarian Law, first published in 2005. The update will be launched in August 2010 in the form of a database, and it will be available free of charge on the ICRC website.

In 2007, ICRC initiated a comprehensive study on the law governing non-international armed conflicts. In the coming months, ICRC will share these conclusions with the States.

In 2008, ICRC and Chatham House organized a two-day expert seminar examining a range of issues arising from security detention in the framework of non-international armed conflicts.

In 2009, discussions at the United Nations on an arms trade treaty drew on the ICRC's views on the objective, scope and parameters for such an instrument, as did regional seminars organized by the European Union and the United Nations Institute for Disarmament Research (UNIDIR) in cooperation with host countries.

ICRC addressed the issue of nuclear weapons in its speech to the First Committee of the sixty-fourth session of the General Assembly, and again in a speech to the Geneva Diplomatic Corps delivered by its President in 2010. ICRC noted, in particular, that in 1996 the International Court of Justice concluded that "the use of nuclear weapons would generally be contrary to the principles and rules of international humanitarian law". ICRC called on States to prevent the use of nuclear weapons by preventing their proliferation and by fulfilling existing obligations to pursue negotiations to prohibit and completely eliminate such weapons.

Since 2005, ICRC has closely collaborated with the Government of Switzerland to engage countries which are most affected by private military and security companies in a dialogue on existing law and how best to avoid harm to civilians caused by such companies. The Montreux Document of September 2008 recalls the most pertinent international legal obligations relevant for private military and security companies. It also articulates good practices for the States involved, aimed at ensuring that they effectively implement their obligations with respect to them.

In 2009, the Government of Switzerland and ICRC began their outreach activities on the Montreux Document, in particular, through bilateral interventions. Seventeen additional States have already given their official support to the Document. ICRC is also working with the Government of Switzerland, and the Geneva Centre for the Democratic Control of Armed Forces, to organize regional seminars in order to garner broader political support.

In 2008, a paper entitled "Elements to Render Sanctions More Effective" was issued. In the same year an edition of the *International Review of the Red Cross* was entirely devoted to "sanctions". In 2009, there were a number of regional and national meetings on the project, including through national Red Cross and Red Crescent Societies. Exchanges with concerned stakeholders were held on the bases of jurisdiction for prosecuting serious international humanitarian law violations, including universal jurisdiction.

In 2007, ICRC initiated a project aimed at considering the more salient questions relating to contemporary occupation and other forms of administration of foreign territory. ICRC organized three meetings involving around 30 external experts from military, academic, governmental and non-governmental backgrounds. A report on the discussions will be published in 2010.

ICRC continued its work to promote knowledge of and compliance with international humanitarian law and to promote the incorporation of the subject into training programmes intended for military and related personnel. ICRC programmes for public schools and universities were also actively pursued.

ICRC will continue its efforts to promote the 2008 Convention on Cluster Munitions in 2010. It will also contribute to the preparations for the First Meeting of States Parties to the Convention.

ICRC has contributed its expertise to the negotiations on the protocol of the Convention on Certain Conventional Weapons on cluster munitions.

ICRC legal experts attended numerous conferences, seminars and courses and provided States, intergovernmental organizations, non-governmental organizations and other interested bodies with expertise on a variety of topics related to international humanitarian law.

ICRC has pursued its support for the setting up of effective national inter-ministerial committees on international humanitarian law and the fulfilment of their mandate to advise and assist the national authorities concerned in promoting the subject. As at 27 May 2010, national committees were operating in 94 States.

ICRC participated actively in work relating to the Anti-Personnel Mine Ban Convention, in particular at the Second Review Conference of the Convention as well as the meetings of the standing committees on victim assistance, mine clearance, stockpile destruction and the general status and operation of the Convention. ICRC also convened, together with the Norwegian Red Cross, a meeting of practitioners, survivors and other victim assistance experts in Oslo, in 2009. The vast majority of ICRC proposals were reflected in the final document of the Second Review Conference.

ICRC led endeavours within the International Movement of the Red Cross and Red Crescent in 2009 to renew and extend the Movement's strategy on landmines, cluster munitions and explosive remnants of war.

During its 2009 meeting in Kenya, the Movement's Council of Delegates also unanimously adopted a resolution entitled "Respecting and protecting health care in armed conflicts and other situations of violence". The resolution emphasizes the importance of upholding international humanitarian law and human rights rules. ICRC, in consultation with national societies and the International Federation, will present a report, with recommendations, on the issue of health care in armed conflict and other situations of violence to the thirty-first International Conference of the Red Cross and Red Crescent in 2011.

ICRC participated actively in the preparatory process of the First Review Conference to the Statute of the International Criminal Court. It supported the amendments presented by Belgium and co-sponsored by 18 States, whereby three additional crimes would be added to the list of war crimes applicable in non-international armed conflicts (employing poison or poisoned weapons; employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices; employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisons). ICRC supported the ministerial segment, the pledging exercise and the "stocktaking" exercise on international criminal justice.

ICRC continued its cooperation with various international and regional organizations and maintained its dialogue with various international, regional and mixed judicial institutions assigned to try international crimes and with various non-governmental organizations.

ICRC took the initiative in 2009 to elaborate a set of guiding principles for the domestic implementation of a comprehensive system of protection for children associated with armed forces or armed groups. The guiding principles will be launched in 2010.

The ICRC Manual on the implementation of international humanitarian law, launched in Kampala in 2010, draws on the many years of experience and cooperation of the ICRC Advisory Service on International Humanitarian Law. It is designed for policymakers, legislators and other stakeholders in the implementation of international humanitarian law at the domestic level.

Annex

List of States parties to the Protocols Additional to the Geneva Conventions of 1949 as at 2 June 2010[a]

State	*Date of ratification, accession or succession*
Afghanistan	10 November 2009
Albania	16 July 1993
Algeria[b,c]	16 August 1989
Angola (Protocol I only)[b]	20 September 1984
Antigua and Barbuda	6 October 1986
Argentina[b,c]	26 November 1986
Armenia	7 June 1993
Australia[b,c]	21 June 1991
Austria[b,c]	13 August 1982
Bahamas	10 April 1980
Bahrain	30 October 1986
Bangladesh	8 September 1980
Barbados	19 February 1990
Belarus[c]	23 October 1989
Belgium[b,c]	20 May 1986
Belize	29 June 1984
Benin	28 May 1986
Bolivia (Plurinational State of)[c]	8 December 1983
Bosnia and Herzegovina[c]	31 December 1992
Botswana	23 May 1979
Brazil[c]	5 May 1992
Brunei Darussalam	14 October 1991
Bulgaria[c]	26 September 1989
Burkina Faso[c]	20 October 1987
Burundi	10 June 1993

State	*Date of ratification, accession or succession*
Cambodia	14 January 1998
Cameroon	16 March 1984
Canada[b,c]	20 November 1990
Cape Verde[c]	16 March 1995
Central African Republic	17 July 1984
Chad	17 January 1997
Chile[c]	24 April 1991
China[b]	14 September 1983
Colombia (Protocol I)[c]	1 September 1993
(Protocol II)	14 August 1995
Comoros	21 November 1985
Congo	10 November 1983
Cook Islands[c]	7 May 2002
Costa Rica[c]	15 December 1983
Côte d'Ivoire	20 September 1989
Croatia[c]	11 May 1992
Cuba (Protocol I)	25 November 1982
(Protocol II)	23 June 1999
Cyprus (Protocol I)[c]	1 June 1979
(Protocol II)	18 March 1996
Czech Republic[c]	5 February 1993
Democratic People's Republic of Korea (Protocol I only)	9 March 1988
Democratic Republic of the Congo (Protocol I)[c]	3 June 1982
(Protocol II)	12 December 2002
Denmark[b,c]	17 June 1982
Djibouti	8 April 1991
Dominica	25 April 1996
Dominican Republic	26 May 1994

State	*Date of ratification, accession or succession*
Ecuador	10 April 1979
Egypt[b]	9 October 1992
El Salvador	23 November 1978
Equatorial Guinea	24 July 1986
Estonia[c]	18 January 1993
Ethiopia	8 April 1994
Fiji	30 July 2008
Finland[b,c]	7 August 1980
France (Protocol I)[b]	11 April 2001
(Protocol II)[b]	24 February 1984
Gabon	8 April 1980
Gambia	12 January 1989
Georgia	14 September 1993
Germany[b,c]	14 February 1991
Ghana	28 February 1978
Greece (Protocol I)[c]	31 March 1989
(Protocol II)	15 February 1993
Grenada	23 September 1998
Guatemala	19 October 1987
Guinea[c]	11 July 1984
Guinea-Bissau	21 October 1986
Guyana	18 January 1988
Haiti	20 December 2006
Holy See[b]	21 November 1985
Honduras	16 February 1995
Hungary[c]	12 April 1989
Iceland[b,c]	10 April 1987
Iraq (Protocol I only)	1 April 2010

State	*Date of ratification, accession or succession*
Ireland[b,c]	19 May 1999
Italy[b,c]	27 February 1986
Jamaica	29 July 1986
Japan[b,c]	31 August 2004
Jordan	1 May 1979
Kazakhstan	5 May 1992
Kenya	23 February 1999
Kuwait	17 January 1985
Kyrgyzstan	18 September 1992
Lao People's Democratic Republic[c]	18 November 1980
Latvia	24 December 1991
Lebanon	23 July 1997
Lesotho	20 May 1994
Liberia	30 June 1988
Libyan Arab Jamahiriya	7 June 1978
Liechtenstein[b,c]	10 August 1989
Lithuania[c]	13 July 2000
Luxembourg[c]	29 August 1989
Madagascar[c]	8 May 1992
Malawi	7 October 1991
Maldives	3 September 1991
Mali[c]	8 February 1989
Malta[b,c]	17 April 1989
Mauritania	14 March 1980
Mauritius[b]	22 March 1982
Mexico (Protocol I only)	10 March 1983
Micronesia (Federated States of)	19 September 1995
Monaco[c]	7 January 2000

State	*Date of ratification, accession or succession*
Mongolia[b,c]	6 December 1995
Montenegro[c]	2 August 2006
Mozambique (Protocol I)	14 March 1983
(Protocol II)	12 November 2002
Namibia[c]	17 June 1994
Nauru	27 June 2006
Netherlands[b,c]	26 June 1987
New Zealand[b,c]	8 February 1988
Nicaragua	19 July 1999
Niger	8 June 1979
Nigeria	10 October 1988
Norway[c]	14 December 1981
Oman[b]	29 March 1984
Palau	25 June 1996
Panama[c]	18 September 1995
Paraguay[c]	30 November 1990
Peru	14 July 1989
Philippines (Protocol II only)	11 December 1986
Poland[c]	23 October 1991
Portugal[c]	27 May 1992
Qatar (Protocol I)[b,c]	5 April 1988
(Protocol II)	5 January 2005
Republic of Korea[b,c]	15 January 1982
Republic of Moldova	24 May 1993
Romania[c]	21 June 1990
Russian Federation[b,c]	29 September 1989
Rwanda[c]	19 November 1984
Saint Kitts and Nevis	14 February 1986

State	*Date of ratification, accession or succession*
Saint Lucia	7 October 1982
Saint Vincent and the Grenadines	8 April 1983
Samoa	23 August 1984
San Marino	5 April 1994
Sao Tome and Principe	5 July 1996
Saudi Arabia (Protocol I)[b]	21 August 1987
(Protocol II)	28 November 2001
Senegal	7 May 1985
Serbia[c]	16 October 2001
Seychelles[c]	8 November 1984
Sierra Leone	21 October 1986
Slovakia[c]	2 April 1993
Slovenia[c]	26 March 1992
Solomon Islands	19 September 1988
South Africa	21 November 1995
Spain[b,c]	21 April 1989
Sudan (Protocol I)	7 March 2006
(Protocol II)	13 July 2006
Suriname	16 December 1985
Swaziland	2 November 1995
Sweden[b,c]	31 August 1979
Switzerland[c]	17 February 1982
Syrian Arab Republic (Protocol I only)[b]	14 November 1983
Tajikistan[c]	13 January 1993
The former Yugoslav Republic of Macedonia[b,c]	1 September 1993
Timor-Leste	12 April 2005
Togo[c]	21 June 1984
Tonga[c]	20 January 2003

State	*Date of ratification, accession or succession*
Trinidad and Tobago[c]	20 July 2001
Tunisia	9 August 1979
Turkmenistan	10 April 1992
Uganda	13 March 1991
Ukraine[c]	25 January 1990
United Arab Emirates[b,c]	9 March 1983
United Kingdom[b,c]	28 January 1998
United Republic of Tanzania	15 February 1983
Uruguay[c]	13 December 1985
Uzbekistan	8 October 1993
Vanuatu	28 February 1985
Venezuela (Bolivarian Republic of)	23 July 1998
Viet Nam (Protocol I only)	19 October 1981
Yemen	17 April 1990
Zambia	4 May 1995
Zimbabwe	19 October 1992

[a] The list was provided by Switzerland as Depository of the Geneva Conventions and Additional Protocols. Information was taken from the website of the Swiss Federal Department of Foreign Affairs: www.dfae.admin.ch/depositaire.

[b] Ratification, accession or succession accompanied by a reservation and/or a declaration.

[c] Party which has made the declaration provided for under article 90 of Protocol I.